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OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

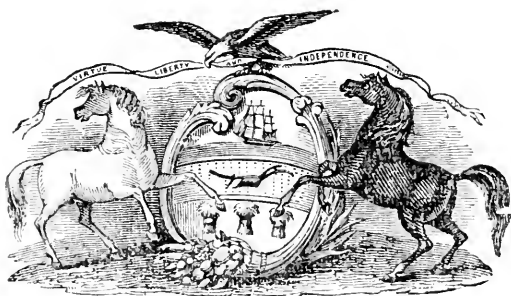
PASSED AT THE

SESSION OF 1853,

IN THE

SEVENTY-SEVENTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



PUBLISHED BY AUTHORITY.

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L A W S
OF THE
COMMONWEALTH OF PENNSYLVANIA.

No. 1.

A FURTHER SUPPLEMENT

To an act entitled "An act to incorporate the Delaware, Lehigh, Schuylkill, and Susquehanna railroad company," passed the twenty-first day of April, one thousand eight hundred and forty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the name, style and title of the Delaware, Lehigh, Schuylkill, and Susquehanna railroad company be, and the same is hereby changed to, and the said corporation shall hereafter be known by the name of the Lehigh Valley railroad company, with all the rights, privileges and immunities, and subject to all the provisions and penalties provided for and enjoined by the said act to which this is a supplement.*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The seventh day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 2.

A FURTHER SUPPLEMENT

To an act entitled "An Act to authorize the Governor to incorporate the West Chester and Philadelphia railroad company," and fixing the place for holding the elections in Franklin township, Chester county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the stockholders of said company, at their annual meetings, shall elect three managers in addition to the number authorized by the third section of the act to which this is a further supplement.

Stockholders to
elect three
managers.

Franklin town-
ship, Chester
county.

SECTION 2. That hereafter the qualified electors of the township of Franklin, in Chester county, shall hold their general and township election at the public house of Abitha Kimble, in the village of Kimbleville, in said township.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The seventh day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 3.

AN ACT

To change the location of the division line between the counties of Columbia and Montour.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the township of Roaring Creek, in Montour county, and such parts of the townships of Franklin, Madison, and West Hemlock, in the same county, as lie eastward of the adjusted line between Columbia and Montour counties hereinafter prescribed and established, shall be, and the same are hereby re-annexed to the county of Columbia, and shall hereafter compose a part of the territory of the said county of Columbia as fully and effec-

Certain town-
ships in Montour
county annexed
to Columbia co.

tually as if the same had never been included within the limits of Montour county.

SECTION 2. That the line between the said counties of Columbia and Montour shall be changed and re-located as follows, to wit : Beginning at the Northumberland county line, at or near the house of Samuel Reader, thence a direct course to the centre of Roaring Creek, in Franklin township, twenty rods above a point in said creek opposite the house of John Vought ; thence down the middle of the stream of said creek to the Susquehanna river ; thence to the middle of said river ; thence up the centre of the same to a point opposite where the present county line between Columbia and Montour strikes the north bank of the river ; thence to the said north bank ; thence by the present division line between said counties to the school house near the residence of David Smith ; thence to a point near the residence of Daniel Smith ; thence to the bridge over Deerlick run on the line between Derry and Madison townships ; thence by the line between said township of Madison and the townships of Derry and Anthony to the line of Lycoming county ; and John Koons, and Gilbert C. McWaine, of Luzerne county, and Bernard Reilly, of Schuylkill county, are hereby appointed commissioners to run, locate and mark such parts of said division line between said counties as are changed by this act, and to make drafts and plots thereof, to be filed in the courts of quarter sessions of the counties of Columbia and Montour, and in the office of the Secretary of the Commonwealth, respectively ; the duties of the said commissioners to be performed by all or a majority of their number ; and the said commissioners shall each receive the sum of three dollars per diem for their services, which, together with the other necessary expenses upon the survey and location of the said line shall be paid by the county of Columbia.

Line between Columbia and Montour counties to be changed and re-located.

SECTION 3. That the township of Madison now in Columbia county, shall remain a separate township, to be called Pine, and such parts of the former township of Madison as the same existed before the erection of Montour county as have been set off to and connected with the townships of Mount Pleasant and Hemlock, in Columbia county, shall hereafter compose and be a part of Madison township by this act re-annexed to Columbia county.

Montour township to be called Pine.

SECTION 4. That that part of Franklin township aforesaid remaining in Montour, by the provisions of this act shall remain and be a separate township and election district, to be called Mayberry, and so much of West Hemlock township as lies east of the county line established by this act, shall compose and be a part of Hemlock township.

That portion of Franklin tp., in Montour co., to be called Mayberry.

SECTION 5. That so much of Madison township aforesaid as by the provisions of this act will remain in Montour county, shall hereafter compose a part of the township of West Hemlock, in said county of Montour, and the general and township elections for the said township of West Hemlock shall hereafter be held at the house of Cornelius Styers in said township.

Portion of Madison tp., in Montour co., to be called West Hemlock.

SECTION 6. That so much of any act as is inconsistent with the provisions of this act be and the same is hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

F No. 4.

A SUPPLEMENT

To an act authorizing the town council of the borough of Tamaqua to construct water works, and to borrow money, and to divide said borough in towards; and authorizing the borough of Middletown, in Dauphin county, to borrow money, approved the second day of April, A. D., 1850.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the limit of twenty thousand dollars, contained in the first section of the act, of second of April, A. D., one thousand eight hundred and fifty, to which this is a supplement, be and is hereby extended to thirty thousand dollars.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of January, A. D., one thousand eight hundred and fifty-three

WM. BIGLER.

No. 5.

AN ACT

Regulating the courts of Blair county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of April, A. D., 1853, the several courts of Blair county shall commence on the fourth Mondays of April, August, and October, and on the first Monday of February, and shall continue two weeks at each term, if necessary.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 6.

AN ACT

Relative to the collection of taxes in Mercer and Beaver counties, and relating to the American telegraph company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the several sections, from the first to the eleventh inclusive, of the act entitled "An Act to reduce the expenses of collecting State and county taxes in the county of Venango; to incorporate the Greenville and Ohio State Line plank road company; and authorize the appointment of an auctioneer in the county of Lawrence," passed the third of April, A. D., one thousand eight hundred and fifty-one, be, and the same is hereby extended and made applicable to the counties of Mercer and Beaver, as fully and as effectually as if the said counties of Mercer and Beaver had been originally mentioned in said recited act.

SECTION 2. That the American telegraph company shall have power to build such additional lines of telegraph as may be desirable to connect with their present line from Harrisburg to Baltimore, under the provisions of their charter, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The nineteenth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 7.

AN ACT

To authorize the Little Saw Mill Run railroad company; and the Birmingham and Elizabeth turnpike road company to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Little Saw Mill Run railroad company be, and the same is hereby authorized to borrow any sum of money not exceeding twenty thousand Borrow money.

Proviso. dollars: *Provided*, That no bond shall be issued on account of said loan for a less amount than one hundred dollars.

Borrow money. SECTION 2. That the Birmingham and Elizabeth turnpike road company be, and they are hereby authorized, through their president and managers, to borrow any sum or sums of money not exceeding in the aggregate five thousand dollars, to aid in the construction of their road:

Proviso. *Provided*, That no bond shall be issued on account of the loan hereby authorized for a less amount than one hundred dollars.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 8.

A SUPPLEMENT

To an act to incorporate the Temperanceville and Noblestown turnpike and plank road company, passed the seventh of April, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Temperanceville and Noblestown turnpike and plank road company, by its president and managers to borrow any money, not exceeding twelve thousand dollars, that may be necessary to pay for the construction and completion of said road, and to issue the bonds of said company therefor in such manner and terms as said president and managers may deem proper: *Provided*, That no bond shall be issued on account of said loan of a less denomination than one hundred dollars.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 9.

AN ACT

Relating to the borough of Towanda, in the county of Bradford.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town council of the borough of Towanda, in the county of Bradford, be, and they are hereby authorized to pass an ordinance or ordinances, from time to time, prohibiting the erection or placing of any wooden building, or any building, the outside walls of which shall not be of brick or stone, within such limits within said borough, as may be prescribed by such ordinance or ordinances, after the passage and due publication of any such ordinance; any person or persons offending against, or violating, by the erection or placing of any such building within the limits prescribed as aforesaid, may be indicted in the court of quarter sessions of the proper county, for said offence, and upon conviction, shall be sentenced to pay such fine as the court may see proper to inflict, and the costs of prosecution, and to remove such building within the space of ten days; and if not done within that time, the court shall issue a writ to the sheriff of the county, commanding him to abate the nuisance, the expense of which shall be paid by the defendant or defendants, to be collected by the sheriff as debts of like amount are by law recoverable.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 10.

AN ACT

To authorize the Northampton water company to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Northampton water company located in the borough of Allentown, in the county of Lehigh, be, and the said company hereby are autho-

rized to borrow any sum or sums of money, in the aggregate not exceeding the sum of forty thousand dollars, and to make, execute, and issue certificates, bonds, and other evidences of the indebtedness of said company to the lender or lenders of the money, by them borrowed in such form or forms, and on such terms and conditions as may be by them deemed expedient, and if necessary on such security as may be mutually agreed upon by and between the parties interested: *Provided*, That said company shall issue no bond, note or other evidence of indebtedness, for any sum less than one hundred dollars: *Provided*, The said bonds shall not be disposed of at less than par value.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—the nineteenth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 11.

AN ACT

Relative to election officers in Carbon county, and fixing the place of holding elections in Allen township, Washington county.

Elections in
Carbon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That each and every judge, inspector, and clerk of elections in Carbon county shall receive the sum of one dollar and fifty cents for each general, special, or township election; he shall or may be employed in the duties required of him by law in conducting any of the aforesaid elections, to be paid by the said county of Carbon according to law, and no extra time or services, other than the mileage to return judges, shall be paid or allowed by the commissioners of said county of Carbon, anything in the election laws, or any other laws of this Commonwealth, to the contrary notwithstanding.

Allen township,
Washington co.

SECTION 2. That the qualified electors of Allen township, in the county of Washington, shall hereafter hold their general and township elections at the house of Francis McKee, in the village of Independence in said township.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 12.

AN ACT

Authorizing the burgess and town council of the borough of Hollidaysburg to subscribe to the Hollidaysburg and Altoona plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and town council of the borough of Hollidaysburg, in the county of Blair, or a majority of them, be, and they are hereby authorized and empowered to subscribe any amount of stock, not to exceed one hundred and sixty shares, in and to the capital stock of the Hollidaysburg and Altoona plank road company, in the name of said burgess and town council. Burgess and town council of the borough of Hollidaysburg to subscribe stock to a certain plank road.

SECTION 2. That the said burgess and town council of the borough of Hollidaysburg, or a majority of them, may issue certificates of loan or bonds, in the name of said burgess and town council, for any sum not exceeding four thousand dollars, redeemable in not less than ten years, bearing an interest of six per cent. per annum, payable semi-annually, which shall be transferable, as may be directed by said burgess and town council; and the said certificates of loan or bonds shall be received as cash by the said Hollidaysburg and Altoona plank road company in payment of instalments on shares of stock subscribed by said burgess and town-council, or a majority of them; and the said company shall, also, pay or provide for the payment of the interest accruing upon said certificates of loan or bonds, until the said plank road be completed: *Provided,* That no certificate of loan or bond shall be issued by the said burgess and town council, or a majority of them, for a less sum than one hundred dollars. Issue certificates.

W. P. SCHILL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 13.

AN ACT

Regulating certain election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Chauncey Thomas shall be judge, and Calvin Crane, and James Blizard inspectors of the township election, to be held at the public house in said township, known as the Shohola house, in Shohola township, Pike county, at the regular time of holding the township elections in said county for township officers, and that the said township shall hereafter constitute a separate election district, and the general election shall be held therein at the house aforesaid.

Shohola town-
ship, Pike co.

Mahoopany tp.,
Wyoming co.

SECTION 2. That the special, general and township elections for the township of Mehoopany, in the county of Wyoming, shall hereafter be held at the house of John Maynard in said township.

South Canaan
tp., Wayne co.

SECTION 3. That the new township of South Canaan, in the county of Wayne, be, and the same is hereby erected into a separate and independent election district, the qualified voters whereof shall hereafter hold their general and township elections at the red school house, near the tavern house of P. W. Lerch in said township, and that Wareham Day, shall act as judge, and George Enslin and Otho Wagoner as inspectors of the elections aforesaid, until their successors shall be duly elected.

Ohio tp., Alle-
gheny co.

SECTION 4. That the township, general and special elections in Ohio township, Allegheny county, shall be held in school house number ten in said township, from this time until otherwise ordered.

Lower St. Clair
tp., Allegheny
co.

SECTION 5. That hereafter the general and township elections in the township of Lower St. Clair, in the county of Allegheny, shall be held at the hotel, lately occupied by Frederick Helle, at the junction of the Birmingham and Coal Hill roads, in said township.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—the twenty-fifth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 14.

AN ACT

Supplementary to an act, entitled "An Act to incorporate the village of Hyde Park into a borough."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the inhabitants of Hyde Park borough, in the county of Luzerne, qualified to vote for members of the general Assembly, shall hold their first borough election on the first Tuesday in February next, at the same place and at the same time of the day, and in all other respects proceed as directed by the second section of the act to which this is supplementary, save the proviso in said section; and that "the third Tuesday in April," named in the third section of said act, is hereby altered to the first Tuesday in February, to conform to the time of holding the borough election in this section. First borough election.

SECTION 2. That J. M. Alexander shall be the judge, and D. C. Judge and Carpenter and A. T. Wilsey the inspectors, to conduct the first borough election to be held under this act, the judge filling a vacancy of inspector or inspectors should such vacancy occur, and the inspectors appointing a judge in case of such vacancy. inspectors.

SECTION 3. That in addition to the penalties already provided for the breach of any of the laws of this Commonwealth, relating to license to be procured by dealers and vendors of any kind, a further penalty of fifty dollars shall be, and is hereby imposed upon any individual who shall after the passage of this act, within the limits of said borough, commit any breach of any of the license laws of this Commonwealth, which fine shall be sued for and recovered before any magistrate as debts of like amount are now by law recoverable, in the name of the Commonwealth of Pennsylvania, to the use of the person suing, one moiety of such fine to be paid over to the poor fund, for the use of the poor in said borough, and the other moiety to be paid to the person suing for the same. Penalty for breach of license laws.

SECTION 4. That "one thousand eight hundred and fifty-one" in the fourth section of the previous act is hereby altered, to read one thousand and eight hundred and fifty, and the name of "James Wilmer" in the seventeenth section of said act is hereby altered to James Killmer, and that William D. Jayne, and Thomas Egnon, be added to the names of street commissioners in the said seventeenth section of said act to perform the duties of street commissioners under the said act, five of whom shall constitute a quorum, the acts of a majority of the whole number in all cases to be binding and conclusive. Alteration of date in former act.

SECTION 5. That so much of the act to which this is a supplement, as is hereby altered and supplied, be, and the same is hereby repealed. Repealed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—This twenty-fifth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 15.

A SUPPLEMENT

To "An Act relating to the support and employment of the poor," passed June 15, 1836.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the sixth section of the act to which this is a supplement, shall not hereafter extend to the cities of Pittsburgh and Allegheny; but the guardians and directors of the poor of said cities shall have full power and authority to extend relief to all poor persons entitled to receive the same, without the intervention of an order from two justices of the peace.*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 16.

AN ACT

To vacate East street, in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That East street, from Walnut street to George street, between Schuylkill Front street and Ashton street, in the city of Philadelphia, be, and the same is hereby vacated; and that any outstanding title which this Commonwealth hath in the ground over which said East street was formerly laid out, be, and the same is hereby released and confirmed unto the owner or owners of the land bounding on said street, his or their heirs and assigns, forever.*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 17.

AN ACT

Relating to the estate of William Rush, late of the city of Philadelphia, deceased.

WHEREAS, William Rush of the city of Philadelphia, died seized of Preamble
a certain messuage or tenement and lot or piece of ground, situate on the west side of Delaware Front street, between Vine and Sassafras streets, in the city of Philadelphia, containing in breadth north and south twenty-one feet three inches, and in length or depth east or west one hundred and seventy feet, having made his last will and testament in writing, dated the thirteenth day of April, Anno Domini, one thousand eight hundred and thirty-two, wherein after certain legacies he ordered and directed that the said messuage and lot of ground described by him, as the house and lot of land owned and occupied by him, number one hundred and seventy-two North Front street, should be let by his executors during the lifetime of his daughter Elizabeth, and that the nett rents thereof should be paid to his said daughter, for her own particular use and benefit during her natural life, and on the decease of his said daughter, he ordered and directed his executors to make sale of the said real estate and to convey the same, and directed that the proceeds of such sale should be divided among his children therein named, but in case his said daughter Elizabeth should marry and leave issue he directed that such issue should take together an equal share with his said children, and of his said will he appointed his sons William and Samuel, and his son-in-law Isaac Dunton to be the executors, and the said Isaac Dunton has since departed this life :

And whereas, The buildings erected upon the said lot have recently Preamble
been destroyed by fire, and there are no funds applicable to the rebuilding of the same, by reason whereof the intentions of the testator are defeated in respect to the maintenance and support of his said daughter from the same :

And whereas, By reason of the limitations in the said will, it is con- Preamble
sidered that an indefeasible or absolute title cannot at present be made to a purchaser, but all the parties interested and known to exist have entered into a contract to sell the premises upon advantageous terms, if adequate power can be obtained and it is proper to give relief in the premises ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Surviving executors authorized to dispose of certain real estate.
Samuel W. Rush and William Rush, the surviving executors of the will of the said William Rush, deceased be, and they are hereby authorized and empowered to sell and dispose of the herein above described messuage and lot of ground, with the appurtenances, either at public or private sale, either in fee simple or for any lesser estate, and either absolutely for a principal sum or price or upon ground rent to be reserved to the said Samuel W. Rush and William Rush, and the survivor and the heirs and assigns of the survivor, upon the trusts of the said will that is payable directly to the said Elizabeth Rush and her assigns during her natural life, if the said rent shall so long continue, and after her death, in case the same shall not be extinguished

or redeemed in trust, to sell the same and divide the proceeds thereof according to the directions in the said will, and to execute all proper deeds and other instruments for the purpose of assuring the title to the purchaser or purchasers, and in the case of a ground rent deed with the clauses, covenants, and provisions, usual in such instruments in the city and county of Philadelphia, and in case of a sale for a principal sum, and also in the event of the payment of the principal amount of any ground rent as aforesaid, the same shall be invested by the said Samuel W. Rush and William Rush, and the survivor of them and their successor in the trust, as the case may be, in such substantial security as may be approved of by the orphans' court for the city and county of Philadelphia, to be held by them upon the trust of the said will as aforesaid: *Provided*, That before executing the power hereby conferred of selling for a principal sum, and in case of a sale upon ground rent before receiving the principal or extinguishment money, the said trustees shall give security, to be approved of by the said court, for the faithful execution and performance of their said duties, in respect to the investment of the proceeds and the payment of the interest or income and distribution of the principal, and it is hereby declared that no person purchasing bona fide from the said trustees for a principal sum as aforesaid, or paying off the principal of any ground rent as aforesaid, shall be bound to see to the application of the said money: *Provided*, Security shall have been given and approved as aforesaid: *And further provided*, That before any conveyance shall be made of said property, the sale thereof shall be approved of and confirmed by the orphans' court aforesaid.

Proviso.

Proviso.

Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 18.

AN ACT

To change the county of M'Kean from the Northern to the Western district of the supreme court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the county of M'Kean, from and after the first day of September next, shall be attached to, and become part of the Western district of the supreme court.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 19.

AN ACT

Authorizing the Governor to incorporate the Norristown, Bridgeport, and King of Prussia turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Elliott, John B. Adams, Cadwalader Evans, George W. Dewees, Henry Freedley, William H. Slingluff, Daniel Longacker, William B. Roberts, Benjamin B. Hughes, George M'Farland, Joshua Moloney, Charles H. Rogers, and William Carver, be, and they are hereby appointed commissioners to open books and receive subscriptions and organize a company by the name, style and title of the Norristown, Bridgeport, and King of Prussia turnpike road company, with power to construct a turnpike from the canal bridge, in the borough of Bridgeport, in the county of Montgomery, to the village of the King of Prussia, in the township of Upper Merion, by the nearest and best route, as the stockholders may determine upon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed on the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto. Commissioners.
Style.
Subject to provisions of certain act.

Capital stock

SECTION 2. That the capital stock of said company shall consist of one thousand shares, at ten dollars per share: *Provided*, That the said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as may be necessary, in their opinion, to complete their road, and to carry out the true intent and meaning of this act.

Officers.

SECTION 3. That the said company shall consist of nine managers, one secretary, and one treasurer; and the president and managers shall have the privilege of erecting a toll-gate within the limits of the borough of Bridgeport, upon said road, at a point not exceeding three hundred yards distant from the south-western line of said borough, on the line of said turnpike road.

Toll-gate.

Commencement
and completion
of road.

SECTION 4. That if the said company shall not commence the construction of their road within one year, and complete the same within three years after the passage of this act, it shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of said company.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-sixth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 20.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Philadelphia, Easton, and Water Gap railroad company," approved the eighth day of April, Anno Domini, one thousand eight hundred and fifty-two.

Votes of stock-
holders.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the number of votes to which each stockholder in the Philadelphia, Easton, and Water Gap railroad company shall be entitled, shall be according to the number of shares held in the proportion following, that is to say: for each share not exceeding five hundred shares, one vote; for every five shares above five hundred and not exceeding one thousand shares, one vote; for every ten shares above one thousand shares, one vote; and any corporation that shall be possessed of five thousand shares or more in the capital stock of the Philadelphia, Easton, and Water Gap railroad company, shall in lieu of voting at the general elections of said company, be entitled to elect by the constituted authorities thereof, one director for each and every five thousand shares held by said corporation: *Provided*, That no corporation shall elect more than two directors, and that a majority of the board of directors

Proviso.

shall at all times be elected by the private stockholders; and, if at any time corporations shall be entitled under this provision to more than five directors, then the number of directors to which such corporations may be entitled shall be reduced in such manner as shall be determined upon by the directors in office.

SECTION 2. That the president and directors of said company shall have the power, if it shall be deemed expedient to exercise the same, to contract to pay to the stockholders in said company, at such times as said president and directors or a majority of them shall designate, interest at the rate of six per centum per annum on all shares or instalments paid on the shares of said stock, till the said railroad shall be completed; and the profits or earnings of the said railroad within the same time shall be credited to the cost of construction, and all interest paid shall be charged to the cost of construction: *Provided*, That interest shall not be paid on any shares of stock upon which any instalment which has been duly called for remains unpaid: *Provided further*, That the stock of said company shall not be subject to any tax in consequence of the payment of the interest hereby authorized, nor until the net earnings shall realize at least six per centum per annum upon the capital invested.

SECTION 3. That for the purpose of enabling said company to extend, complete, and equip their railroad, or a branch railroad, from the main line thereof to the New York State line, at any point east of Bradford county as hereby authorized, said company in addition to the powers and privileges heretofore granted, shall have power and authority to borrow such sum of money as may be deemed necessary to carry into effect the intent and meaning of this section, subject to all the provisions and restrictions not inconsistent herewith of the act incorporating said company, approved the eighth day of April, A. D., one thousand eight hundred and fifty-two.

SECTION 4. That so much of any act of Assembly as is altered or repealed by this act is hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 21.

AN ACT

To incorporate the Centreville Perseverance company of Bristol township, Bucks county, for the recovery of stolen horses and other property, and the detection of thieves.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Centreville Perseverance company of Bristol township, in Bucks county, for the recovery of stolen horses and other property, and detection of thieves, is hereby erected into a body politic and corporate in deed and in law, by the name, style, and title of "the Centreville Perseverance company of Bristol township, in Bucks county, for the recovery of stolen horses and detection of thieves," and by the same name shall have perpetual succession, and be able to sue and be sued in all the courts of Pennsylvania, and elsewhere; and shall be able to purchase, receive, have, hold, and enjoy, to them and their successors, lands, tenements, hereditaments, rents, annuities, franchises, goods and chattels, of what nature, quality, or kind soever, real, personal, or mixed, or choses in action; and shall have power the same, from time to time, to sell, grant, alien, and dispose of: *Provided,* That the clear yearly income of the lands and tenements, goods and chattels, shall not exceed three thousand dollars; and, also, to ordain, establish, and put in execution such subordinate laws and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the Constitution of the United States, or of this Commonwealth, and generally to do, all and singular, such matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation and the proper management of its affairs.

SECTION 2. That this society shall consist of John B. Brown, Joshua F. Hills, Henry Stackhouse, Jesse S. Stackhouse, Joseph White, and all such persons as are now members thereof, or shall hereafter be admitted as such, agreeably to the by-laws of said society.

SECTION 3. That the officers of this society shall consist of a president, secretary, and treasurer, and such others as the society may think proper to elect; the duties of said officers shall be particularly set forth in the by-laws of said society.

SECTION 4. That the officers shall be chosen by ballot at a general meeting of the said society, on the first Monday in January in each and every year, at such places as a majority at a preceding annual meeting may direct, and to continue in office for one year or until their successors be elected.

SECTION 5. That the funds of the society shall be exclusively appropriated to the payment of rewards offered for, and the expenses incurred in the recovery of stolen horses and detection of thieves, defraying the necessary costs attending the meetings of the society.

Corporation.

Style.

Privileges.

Proviso.

Corporators.

Officers.

Officers, how chosen.

Appropriation of funds.

SECTION 6. That the Legislature reserves the right to alter, amend, Reservation, or annul the charter at any time hereafter.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 22.

AN ACT

Relative to the safe-keeping of prisoners in the county of Lebanon.

WHEREAS, The present jail, in the county of Lebanon, is insufficient for the safe keeping of prisoners; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sheriff of Lebanon county is hereby authorized, if he shall deem it necessary for the safe keeping of prisoners, to lodge them in the jail of Dauphin county; the jailor whereof is hereby directed to receive such prisoners into his custody, and there to keep until demanded by the sheriff of Lebanon county; and all expenses so incurred shall be paid by an order drawn by the commissioners of Lebanon county in favor of the county of Dauphin.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 23.

AN ACT

Relating to the Chambersburg and Hagerstown railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Chambersburg and Hagerstown railroad company be, and the same is hereby authorized to issue and sell to the best advantage, the bonds of the said company, to an amount not exceeding five hundred thousand dollars, and bearing an interest of not more than seven per cent. per annum, for the purpose of re-laying, improving, extending, and maintaining their railroad and its appurtenances, and to secure the said bonds by a mortgage on their said road and appurtenances, and the chartered rights and privileges of the said corporation: *Provided,* That no bond shall be issued by virtue of this act of a less denomination than one hundred dollars.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 24.

AN ACT

Relative to supervisors in Blythe township, Schuylkill county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the qualified electors of Blythe township, in the county of Schuylkill, shall elect but one supervisor instead of two, and that he shall give bond with security to the auditors of said township, in the name and for the use of said township, for the faithful performance of his duties, and the said supervisor shall after having given at least ten days' notice, by putting up not less than ten written or printed advertisements, in as many public places in different parts of said township, give out by public out-cry to the lowest and best bidder, the making of the public roads in said township;

payment to be made to the contractor or contractors as the road taxes shall from time to time be collected: *Provided*, That the supervisor shall, and hereby is required to visit and inspect the making and repairing of the public roads in said township, at least three times during every month, and be fully satisfied before payment be made that the contractors have fully complied with his or their contracts, for which services so rendered the said supervisors shall receive a compensation not exceeding fifty dollars, to be determined by the auditors of said township.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 25.

AN ACT

In relation to the Allentown Academy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees of the Allentown academy are hereby authorized and empowered to apply the unexpended balance of the academy fund to the payment of the debts due by the institution, and to such enlargement and improvement of the academy edifice as in their opinion may be necessary and proper: *Provided*, That no contract or engagement with any principal of said academy shall be valid, unless it stipulates for the annual payment by him to the treasurer thereof, of a sum of money not exceeding the legal interest of the amount which may be expended under and by virtue of this enactment, for the enlargement of said academy building: *And provided also*, That all laws now in force requiring the gratuitous instruction of pupils in said academy be, and the same are hereby repealed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 26.

AN ACT

To incorporate the Spring Garden plank road company in York county.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That P. A. Small,*
- Commissioners.** Tn. Haller, Chas. Weiser, Danl. Hartman, John Campbell, Esquire, Samuel Landis, John Landis, Joseph Zeigler, Danl. Gotwalt, Henry Smyser, Jacob Boozer, Thos. Gray, Adam Paulus, John Long, Henry Leber, Colonel Danl. Gahley, or any three of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company, by the name, style, and title of "the Spring Garden plank road company," with power to construct a turnpike plankroad, or a road part turnpike and part plank, from the borough of York to a point at or near Emig's tavern, in Spring Garden township, subject to all the provisions and restrictions, and with all the powers and privileges contained in an act regulating turnpike and plank road companies, approved twenty-sixth January, A. D., one thousand eight hundred and forty-nine, and the supplements to said act, approved seventh April, A. D., one thousand eight hundred and forty-nine: *Provided,* That the said company shall have the right to make use of the whole or any part of the road leading from York to Emig's tavern, by way of Smyser's tanyard, and locate their road upon the ground now occupied by it, and it shall be lawful for the court of Quarter Sessions of York county to appoint viewers to view and vacate such parts of the aforesaid road leading from York to Emig's tavern as shall be used or rendered useless by the said company, as is provided by the general road laws of this Commonwealth, in the cases of roads that have become useless.
- Style.**
- Privileges.**
- Proviso.**
- SECTION 2.** That the capital stock of this company shall consist of five hundred shares of stock at twenty-five dollars per share: *Provided,* That the said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road and carry out the true intent and meaning of this act.
- Capital stock.**
- Proviso.**
- SECTION 3.** That it shall not be lawful for any person or persons residing at or near any of the toll-gates erected on said road to enter the said road on either side of the said gate and make use of the same beyond the limits of his, her, or their farm without paying the usual tolls to said company, and if the said person or persons, or any other person or persons, shall so enter upon and use the said road, or shall make use of any private road, way, or passage to get around any toll-gate, he, she, or they shall not only be liable to said company for their regular toll for the distance actually traveled by them respectively on said road, to be recovered as debts of like amount are by law recoverable, but shall also be liable to a penalty of ten dollars for each and every violation of the provisions of this section, recoverable with costs, of suit as debts of like amount are now recoverable before any justice of the peace or alderman of the proper county, one-half thereof for the
- Certain persons to enter said road.**

use of the informer (who is hereby declared to be a competent witness in the case) and the other half for the use of said company.

SECTION 4. That if the said company do not commence their road within three years from the passage of this act, and complete the same within six years thereafter, this act shall be null and void, except as far as the same may be necessary to wind up the affairs and pay the debts of the company. Commencement
and completion
of road.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 27.

AN ACT

To revive and continue in force the act entitled "An Act to graduate lands on which money is due and unpaid to the Commonwealth of Pennsylvania."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act of the General Assembly of this Commonwealth, approved the tenth day of April, one thousand eight hundred and thirty-five, entitled "An Act to graduate lands on which money is due and unpaid to the Commonwealth of Pennsylvania," be, and the same is hereby revived and continued in force until the first day of February, one thousand eight hundred and fifty-four, as fully and entirely as if all its provisions and sections were re-written and re-stated in this act.

SECTION 2. That the time for patenting the in-lots and out-lots in the towns of Erie, Waterford, Beaver, Franklin, and Warren, authorized to be appraised by the fifth section of the act entitled "An Act empowering the burgess and town council of the borough of Erie to borrow money, and to supply the said borough with water, and for other purposes," passed the thirteenth day of April, one thousand eight hundred and thirty-eight, be, and the same is hereby revived and extended until the first day of February, one thousand eight hundred and fifty-four.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 28.

AN ACT

Relating to certain election districts in Potter, Lycoming, Montour, and Clinton counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* hereafter the special, general and township elections for the township of Sweden, in the county of Potter, shall be held at the house of Asenath Taggart, in said township.

Sweden tp.,
Potter county.

SECTION 2. That from and after the passage of this act the township of Pollock, in the county of Lycoming, shall be known by the name of Upper Fairfield and the qualified voters thereof shall hold their general and township elections at the house of George Boyer, in said township.

Pollock tp., Ly-
coming county.

SECTION 3. That the place of holding the general and township elections in Limestone township, Montour county, shall hereafter be at the new Union school house, in said township.

Limestone tp.,
Montour co.

SECTION 4. That hereafter the general, special and township elections in the township of Keating, Clinton county, shall be held at the house of Seth Nelson, in said township.

Keating tp.,
Clinton county.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 29.

AN ACT

To authorize the commissioners of Huntingdon county to appropriate a certain sum to erect a bridge over the Juniata river, at Huntingdon, on certain conditions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the commissioners of the county of Huntingdon be, and they are hereby authorized to appropriate the sum of three thousand dollars to and for

the erection of a bridge across the Juniata river, from and at the foot of Montgomery street, in the borough of Huntingdon: *Provided*, That any and all additional, or further sum or sums of money which may or shall be needed or required to pay for or secure the completion of a bridge at said place, shall first be paid or secured to be paid by the joint and several bond of three or more persons, and approved by two of the judges of the court of quarter sessions of said county, to the said county commissioners, for the use of said county; and that then, in either case, it shall be the duty of said county commissioners to erect, by contract, as is now provided by the general road and bridge laws of this Commonwealth, a county bridge across said Juniata river at the place above designated: *And provided further*, That the erection and completion of said bridge so as aforesaid, shall be deemed and held to be a good and valuable consideration for the aforesaid bond.

W. P. SCHELL,

Speaker of the House of Representatives.

THO CARSON,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 30.

AN ACT

Authorizing the Governor to incorporate the Newtown Square and Paoli plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners. Davis Beaumont, Henry Pratt, John P. Lewis, Joshua S. Cox, Rene Pyott, Joseph Lewis, Townsend Speakman, Nathan Pratt, Enos Williamson, Isaac Thomas, Isaac Haldeman, and James J. Lewis, of Delaware county, and John D. Evans, John Acker, Hugh Steen, Jeffrey Smedley, Charles Bishop, Owen R. Horn, R. E. Lewis, Cadwaladar Evans, Jonathan Jones, Isaac Ruth, Thomas Biddle, Samuel W. Evans, Henry Cauffman, Wm. W. Evans, Phinchas Paist, Enos Smedley, J. T. Morris, and James Portens, of Chester county, be, and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of "The Newtown Square and Paoli plank road company," with power to construct a plank road from Newtown Square, in Delaware county, to a point in the Lancaster turnpike, near the Paoli tavern in Chester county, by the nearest and best route, as the stockholders may determine upon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, A. D., 1849, and the supplement thereto, excepting that portion of the third certain act.

teenth section of said act relating to tolls, and the company hereby incorporated shall have power to regulate the tolls within the limits of said thirteenth section, and lessen the same if the interest of the company may make it expedient so to do : *Provided* That sheep, hogs, and cattle, shall pass over the road free from toll, and that oxen and mules when in draught shall be charged the same rates as horses : *And provided further*, That the said company shall elect eight instead of five managers, as directed by the third section of this act.

Proviso.

Capital stock.

Proviso.

SECTION 2. That the capital stock of said company shall consist of eight hundred shares of twenty-five dollars per share : *Provided*, That the said company may from time to time by a vote of the stockholders, at a meeting called for the purpose, increase their capital stock so much as in their opinion may be necessary to complete their road and carry out the true intent and meaning of this act.

Tolls.

SECTION 3. That whenever said company shall have finished two miles or more of said road, they shall have power to erect gates and receive tolls agreeably to the provisions and restrictions of sections twelfth and thirteenth of the aforesaid act.

Commencement
and completion
of road.

SECTION 4. That if the said company shall not commence the construction of their road within three years from the passage of this act, and complete the same in five years thereafter, then this act shall be null and void except so far as the same may be necessary to wind up its affairs and pay the debts of said company.

Commissioners
or supervisors
to subscribe
stock.

SECTION 5. The commissioners or supervisors of highways of the townships, through which the said road shall pass, shall have the same powers to subscribe for stock in said plank road as is vested in them by the act of Assembly, approved April fifth, A. D., 1842, authorizing subscriptions to turnpike roads on behalf of townships through which said roads may pass, and are hereby authorized and empowered to borrow money to pay the instalments bearing an interest not exceeding six per cent. per annum and payable at any time not exceeding ten years, and their certificates of loan for said purpose shall be binding on said township.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 31.

SUPPLEMENT

To an act entitled "An Act relative to the collection of taxes in Crawford and Lawrence counties; to authorize the commissioners of Erie county to borrow money; relative to a State road in Crawford county; extending the time for the completion of the works of the Centreville water company; and relative to justices of the peace of Bedford county; and declaring the intention of the Legislature to revive the provisions of the act of one thousand eight hundred and thirty-six, as to collecting school taxes in Erie county."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the commissioners of the county of Erie to make the interest on the bonds or certificates authorized to be issued by the act to which this is a supplement, payable semi-annually to the holder or holders of such bond or bonds, certificate or certificates.

SECTION 2. That it was the intention of the Legislature, in the passage of the act of the twenty-first day of April, A. D., one thousand eight hundred and fifty-two, entitled an act to incorporate the Star of Hope Lodge, number one hundred and ninety-nine, and for other purposes, in the twelfth section thereof, to revive the several provisions relating to the collection of school taxes contained in the act entitled "An Act to consolidate and amend the several acts relative to a general system of education by common schools," passed thirteenth June, one thousand eight hundred and thirty-six, in the county of Erie, and the said provisions are hereby revived in the said county of Erie.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 32.

AN ACT

To incorporate the West Philadelphia institute, and relating to constables in the district of West Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons who constitute the West Philadelphia institute, or who shall hereafter be admitted as members of the same, shall and are hereby declared to be a body politic and corporate by the name and style of "the West Corporation."

Style.

Philadelphia institute," to have perpetual succession to plead and be impleaded, to sue and be sued in all courts of record or elsewhere, and be capable to take hold and enjoy property, the clear yearly income of which shall not exceed three thousand dollars, to use a common seal and to alter or renew the same at pleasure.

Rules and by-laws.

SECTION 2. That the said corporation shall have sufficient power to make such rules and by-laws for the ordering of the affairs of the said corporation as they may deem necessary and proper: *Provided*, That no rule or by-laws as aforesaid shall be valid if inconsistent with the Constitution and laws of this State or of the United States.

Reservation.

SECTION 3. That the Legislature reserves the right of altering repealing or revoking the privileges hereby granted.

Repeal.

SECTION 4. That so much of the first section of the act of Assembly entitled "An Act relating to the district of West Philadelphia, and to change the name of Joseph Parrish to Joseph Austin Parrish; relative to the commissioners of the district of Kensington, and to streets in Moyamensing; to certificates of loan of the Pennsylvania railroad company, to the Chesnut Hill railroad company, and to notaries public in Philadelphia," approved the first day of May, one thousand eight hundred and fifty-two, as extends the twenty-sixth section of an act to incorporate the district of Richmond, in the county of Philadelphia, approved the twenty-seventh day of February, one thousand eight hundred and forty-seven, to the district of West Philadelphia, be, and the same is hereby repealed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 33.

A FURTHER SUPPLEMENT

To an act entitled "An Act to incorporate the Hazleton coal company," approved the eighteenth day of March, one thousand eight hundred and thirty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Hazleton coal company be, and are hereby authorized to increase their capital stock by addition or additions thereto, not exceeding ten thousand shares of fifty dollars each, and the same to dispose of at such times and in such manner as to them may seem most expedient for discharging all their existing debts as they shall become due, and completing their railroad with a double track, conformably to the require-

ments of the acts of April sixth, A. D., one thousand eight hundred and forty-nine, and of March eighteenth, one thousand eight hundred and fifty-one, supplementary to their charter, and operating the same : *Provided*, That the company shall pay to the State Treasurer one per centum on the amount so added to their capital stock, in five equal annual instalments ; the first instalment to become payable on the first day of January, one thousand eight hundred and fifty-four, and the remaining four instalments at intervals of twelve months each : *And provided further*, That this act shall not take effect unless, within three months after its passage, the same shall have been approved and accepted by a majority of the votes of the stockholders at a meeting duly called ; and the stockholders voting on this question in the manner prescribed by the act of incorporation for the election of directors.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 34.

AN ACT

For the division of Northampton township, in Bucks county ; relative to voting at elections in said county ; to the Odd Fellows' hall association of Moyamensing ; and to the West Chester and Philadelphia railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the qualified voters of the township of Northampton, in the county of Bucks, to decide by ballot whether it be expedient to divide said township or not, in the manner following, to wit: On the requisition in writing of at least twenty of the qualified electors of the said township for that purpose, it shall be the duty of the constable of said township to give notice by at least twenty printed or written handbills set up in the most public places in said township, at least fifteen days before the then next general election, that an election will be held for the purpose of determining upon the expediency of dividing said township at the time and place appointed by law for holding the annual election for members of Assembly.

SECTION 2. That the election to determine the wish of the qualified voters of said township on the subject of the division of said township, shall be held and conducted in the same manner, and by the same officers who are or shall be required to hold and conduct the general elections in said township.

Officers of election, and the tickets.

SECTION 3. That the officers of said election shall receive from every qualified voter as aforesaid, a written or printed ticket, containing the word "division," or the words "no division," and the officers of said election shall count the votes, and if a majority shall contain the words "no division," the said officers shall certify and transmit such result to the clerk of the court of quarter sessions of said county, which shall be entered of record; if it be ascertained by the officers of said election that a majority of the votes shall contain the word "division," the said officer shall likewise certify and transmit such result to the clerk of the court of quarter sessions aforesaid, who shall enter the same of record, and the return, in either event, shall be made to the said clerk of the sessions within five days after the day on which said election is held.

Duty of court of quarter sessions.

SECTION 4. That the court of quarter sessions of the said county shall have power, upon the application of fifteen or more of the qualified voters in said township, and upon sufficient evidence being produced of undue election, to set aside the return of said election: *Provided*, That such application be made during the session of the next succeeding court.

Proceedings.

SECTION 5. That no proceedings shall be entertained in the court of quarter sessions of said county, on the subject of the division of said township, under the act of April fifteenth, one thousand eight hundred and thirty-four, until the electors of said township shall have decided in favor of the said division.

Single tickets.

SECTION 6. That hereafter it shall be lawful for the citizens of the county of Bucks, at their general elections, to vote for all national officers on a single printed or written piece of paper, and all State officers on a single printed or written piece of paper; and all county officers on a single printed or written piece of paper; and all laws contrary thereto are hereby repealed so far as relates to the county of Bucks.

Votes in Odd Fellows' hall association of Moyamensing.

SECTION 7. That every person holding stock in the Odd Fellows' hall association of Moyamensing, in the county of Philadelphia, shall have one vote for each share of stock held by them in said association.

Election of trustees.

SECTION 8. That the annual election for trustees shall be held on the first Monday in February of each year, and all laws inconsistent with this act be, and the same are hereby repealed.

West Chester and Philadelphia railroad company to sell their bonds.

SECTION 9. That the West Chester and Philadelphia railroad company be, and the same is hereby authorized to issue and sell to the best advantage the bonds of the said company to an amount not exceeding six hundred thousand dollars, and bearing an interest not exceeding seven per cent. per annum, for the purpose of completing said road, and to secure the said bonds by a mortgage on their road and its appurtenances, and the chartered rights and privileges of the corporation: *Provided*, That no bonds shall be issued by virtue of this act of a less denomination than one hundred dollars.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 35.

A SUPPLEMENT

To an act relating to executors and administrators, passed February twenty-fourth, one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever one or more of several joint administrators shall die, or be discharged by the proper orphans' court under existing laws, the said court upon the application of any party interested shall have power to discharge from further liabilities, said discharged or deceased administrator, his, her or their surety or sureties, as the case may be, and require new or additional sureties of the remaining administrator or administrators with a like result in case of failure to comply as now provided by law when new or additional surety is for any cause required by such court: *Provided,* That such discharge shall not affect liabilities existing at the time of the discharge of such party or parties.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The second day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 36.

AN ACT

To aid the erection of a monument commemorative of the Declaration of American Independence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said General Assembly hereby ratifies, approves, and consents to certain ordinances passed by the select and common councils of the city of Philadelphia, on the fifth day of October, in the year one thousand eight hundred and fifty two, granting to the trustees and agents of the original thirteen States, or any nine of them who shall contribute the expense of erecting in the public square adjoining independence hall, in the said city, a monument commemorative of the declaration of

Certain ordinances in the city of Philadelphia ratified and confirmed.

American Independence the right to occupy the necessary ground in the said square for that purpose, and for a railing around the same not exceeding sixty feet in diameter, and for the purpose of maintaining and keeping the said monument and railing in good repair, and the faith of this Commonwealth is pledged to her sister States contributing to the said object, to enforce the strict performance of all the engagements of the said councils contained in the said ordinances.

Governor to appoint an agent or trustee to represent this Commonwealth

SECTION 2. That for the purpose of uniting with the others of the said thirteen original States in the necessary measures for the construction of the said monument, his excellency the Governor is hereby authorized to appoint a suitable citizen as agent or trustee to represent this Commonwealth in the board of trustees that may be appointed by the said States for the same purpose and with the like powers. It will be the duty of the said board of trustees, whenever nine or more shall have been appointed by as many of the said thirteen States, to determine the design, plan, material and expense of the said monument, and to prepare a statement exhibiting the proportion to be contributed by each of the original thirteen States to defray the said expense, assuming as a rule for such proportion the numerical representation at this time of each such State in the House of Representatives of the Congress of the United States, and the periods when in their judgment the instalments of the said contributions will be required in determining the said design; an appropriate place on the exterior of such monument shall be provided for each contributing State, to contain such inscriptions as the State shall direct, commemorative of some citizen or citizens of her own who took part in the responsibility of the declaration of the independence of the said States, the said trustees are to report to each of the States represented by them with all reasonable expedition, the design, plan, and expense of the said monument as proposed by them, and the said statement of proportionate contributions when the said States shall have made provisions for contributing their respective quotas of the said expense, the said board of trustees shall be authorized to proceed and construct the said monument and a sufficient railing around the same, and shall receive and expend the moneys appropriated for that purpose by the different States, they will appoint the necessary superintendents and agents, and may authorize a committee of their body to receive and take charge of all moneys contributed; when the said monument shall be finished the board of trustees shall render an account to their respective States of the moneys received and expended by them or under their direction, which shall be verified by the oaths of the principal superintendent and one or more of the financial committee of the board, and shall be certified by the mayor of the city of Philadelphia and the president of the select and common councils of the said city, or any two of them, to have been compared with original vouchers and entries and found correct.

Agent or trustee to hold his trust during the pleasure of the Governor.

SECTION 3. That the person so appointed trustee shall hold and exercise his trust during the pleasure of the Governor of the Commonwealth, and in case of vacancy in the said trust by death, resignation, or otherwise, the Governor shall appoint successors from time to time as occasion may require. No part of the fund contributed by the State shall be applied to compensate any trustee for his services, but the actual expenses of the trustees appointed on the part of this Commonwealth will be defrayed by the General Assembly thereof.

SECTION 4. That upon receiving the report of the said board of trustees of the design, plan, material, and expense of the said monument and their estimate of the proportion to be contributed by this

Commonwealth as herein provided, the General Assembly will make provisions for the payment of the same in such instalments as the said board of trustees shall have declared to be necessary.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The second day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 37.

AN ACT

To incorporate the Penn medical college of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Abraham Livezey, David J. Johnson, Ellwood Harvey, J. Emerson Kent, William Turner, Joseph Jeanes, Edward Taylor, Seth Pancoast, Joseph S. Longshore, John C. Martier, W. C. F. Flanigen, and their associates and successors, be, and are hereby made and created a body politic, in law and in fact, by the name, style and title of "The Penn medical college of Philadelphia," and by the same name shall have perpetual succession and may sue and be sued, have a common seal, purchase and hold and convey all lands and tenements, moneys, goods, chattels and effects, make all by-laws necessary and proper for the use of a medical college and immediately connected therewith, not contrary to the Constitution and laws of this Commonwealth, and do all and every other matter and thing for the purposes of this act which any corporation or body politic may or can do: *Provided,* That said corporation shall hold no more real estate than the buildings and fixtures necessary for a course of medical instruction.

SECTION 2. That said corporation shall have power to elect such officers as may be necessary for the administration thereof and to enact by-laws for the government, admission and expulsion of members.

SECTION 3. That said corporation shall have power to grant the degree of Doctor of Medicine to all such persons as shall have attended two courses of medical lectures and possess the qualifications now usually required of candidates for the degree of Doctor of Medicine in other medical colleges in this State.

SECTION 4. That the Legislature may at any time alter, amend or repeal the privileges herein granted.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The second day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 38.

AN ACT

To incorporate the Darby and Paschallville fire company, and repealing an act relative to certain duties to be performed by the commissioners of Clarion county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That

Corporation.

all and every the persons who shall at the time of the passage of this act be honorary and active members of the association called the Darby and Paschallville fire company, shall be, and they are hereby created and declared to be one body politic and corporate by the name, style and title of the "Darby and Paschallville fire company," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien or dispose of: *Provided*, The clear yearly value or income of the necessary houses, lands and tenements, rents and annuities, or other hereditaments and real estate of the said corporation, and the interest of the money by it lent shall not exceed the sum of twenty-five hundred dollars, and also to make and have a common seal, and the same to break, alter and renew at pleasure, and also to ordain, to establish and put in execution such by-laws, rules, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter or the Constitution or laws of the United States, or of this Commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management of the affairs thereof.

Privileges.

Proviso.

Object.

SECTION 2. That the object of the said corporation shall be the promotion of the public good by the extinguishment of fires.

Repeal of act
relative to
bridge over
Clarion river.

SECTION 3. That the second and third sections of an act entitled "An Act to authorize the commissioners of the county of Clarion, to settle the account of Richard Wilson, deceased, for the erection of a bridge over the river Clarion, near the mouth of Little Toby creek, in the county of Clarion, and for other purposes," approved the twenty-seventh day of January, A. D., one thousand eight hundred and fifty-two be, and the same is hereby repealed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 39.

AN ACT

For the relief of John Boughner, of Centre county, a Revolutionary soldier ;
and relative to the Marietta and Mount Joy turnpike road company.

WHEREAS, An act of the Legislature of Pennsylvania was approved Preamble.
April twenty-seventh, one thousand eight hundred and fifty-two, allowing John Boughner, of Centre county, a Revolutionary soldier, an annuity of forty dollars during life, and a gratuity of forty dollars on the passage of said act, which the Senate amended by striking out the annuity, the House non-concurred, and Senate receded:

And whereas, By a clerical error in transcribing the said bill, John Boughner is deprived of receiving his annuity; therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the State Treasurer be, and he is hereby authorized and required to pay to John Boughner, of Centre county, a Revolutionary soldier, an annuity of forty dollars during life, to be paid half yearly, commencing on the first day of January, one thousand eight hundred and fifty-two. John Boughner.

SECTION 2. That the Marietta and Mount Joy turnpike road company Marietta and are authorized to make a branch of said road from near the residence of Mount Joy turnpike road company Samuel Naylor to the east end of the borough of Marietta, to intersect the Columbia and Marietta turnpike, for which purpose said company are hereby authorized to occupy the road now in use; said branch to be subject to all the provisions of the act to which this is a supplement. company to make a branch.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The third day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 40.

AN ACT

Authorizing the commissioners of the county of Montgomery to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the commissioners of the county of Montgomery be, and they are hereby

authorized and empowered to borrow, on the credit of said county, any sum or sums of money not exceeding in the whole, the sum of sixty thousand dollars, and to issue bonds or certificates of indebtedness therefor, under the seal of said county, of not less amount than one hundred dollars each, payable at the expiration of twenty years, or any shorter period, at the discretion of said commissioners, from the date of issue, at a rate of interest not exceeding six per centum per annum, which interest shall be payable annually to the holder or holders of such bond or bonds, certificate or certificates: *Provided*, That such money when borrowed, shall be applied to the payment of the present indebtedness of the said county, and to the completion of the public buildings thereof.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The third day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 41.

AN ACT

Explanatory of the third and fourth sections of the supplement to the act incorporating the Susquehanna railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the third and fourth sections of the act of Assembly, passed the twenty-fourth day of April, one thousand eight hundred and fifty-two, entitled "A supplement to the act incorporating the Susquehanna railroad company," shall be so construed, and the true intent and meaning of the same is hereby declared to be, that the York and Maryland Line railroad company, the York and Cumberland railroad company, and the Wrightsville, York, and Gettysburg railroad company may either separately or collectively, or any one of them, subscribe to the capital stock of the Susquehanna railroad company, or loan to the said company a sum not exceeding five hundred thousand dollars.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 42.

SUPPLEMENT

To the act of twenty-fifth of March, one thousand eight hundred and twenty-four, entitled "An Act to re-charter certain banks."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sixth article of the third section of the act of twenty-fifth of March, one thousand eight hundred and twenty four, relating to banks, shall be construed to authorize suits to be brought against the directors of any bank for the period of three years from and after the failure of any bank embraced in the provisions of said act, and no longer. Construction of act relative to banks.

SECTION 2. That the Exchange bank of Pittsburgh be, and the same is hereby authorized to improve the surplus ground attached to their banking house, by the erection of such tenements thereon, not exceeding thirty feet in front on each side of said banking house, and let or lease the same to such persons and for such purposes as the directors of said bank may deem safe and expedient. Exchange bank at Pittsburgh.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 43.

AN ACT

To enable the trustees of the Frankford Odd Fellows' hall association to borrow money; relative to the township of Delaware, Philadelphia county; to the commissioners of said county; to Commerce street, in the district of Richmond; and to the guardians of the poor of Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees of the Frankford Odd Fellows' hall association shall have full power and authority to borrow any sum or sums of money not exceeding in the whole, ten thousand dollars, which may be necessary to enable them to complete the purchase of a lot and erection of a hall, and enjoy the Trustees of Frankford Odd Fellows' hall association to borrow money.

full benefit of the privileges conferred upon them by the act of Assembly authorizing their incorporation; any such loan to be upon such terms and conditions as the said trustees shall see fit, with power, also, to pledge and mortgage as security for any such loan or loans, all or any of their property, real and personal, together with all their rights, powers, privileges, and franchises; and any sale or sales under any judicial process to enforce the payment of any such pledge or mortgage, shall pass to and vest in the vendee or vendees, his, her, or their heirs and assigns forever, whatever property, rights, powers, privileges, and franchises may have been pledged or mortgaged under any such pledge or mortgages as last aforesaid.

Preamble.

WHEREAS, The township of Delaware in the county of Philadelphia, was, by the court of quarter sessions of said county, created a new township out of parts of Lower Dublin township, in said county:

And whereas, By an act of Assembly, passed the third day of May, A. D., one thousand eight hundred and fifty-two, the said Delaware township was erected into an election precinct, and authorized to hold the general and special elections at the atheneum, in the village of Holmesburg, in said township; therefore,

Delaware tp.,
Philadelphia co.,
to elect certain
officers.

SECTION 2. That the said township of Delaware, in the county of Philadelphia, shall, on the third Friday in March, A. D., one thousand eight hundred and fifty-three, and annually thereafter, elect one assessor, one supervisor, one collector of State and county taxes, one constable, one auditor of the poor accounts, one judge and two inspectors of elections, one town clerk, two assistant assessors at each tri-annual assessment, one director of public schools to serve for the term of three years, three settlers of the supervisors' accounts, one to serve for one year, one to serve for two years, and one to serve for three years.

Further powers.

SECTION 3. That the citizens of said township of Delaware shall, at the election in March, A. D., one thousand eight hundred and fifty-three, elect one person to serve as justice of the peace for the term of five years; and the said township of Delaware shall have all the privileges, rights, and interests in the poor house or house of employment for the townships of Oxford and Lower Dublin, in the county of Philadelphia, that it had before it was divided from the township of Lower Dublin; and said township of Delaware shall be entitled to two directors of the poor for the poor house or house of employment for the townships of Oxford and Lower Dublin; one of said directors for Delaware to be elected at the next general election to serve for the term of two years, and annually thereafter one to serve for the term of two years.

Commissioners
of Philadelphia
county to bor-
row money.

SECTION 4. That the commissioners of Philadelphia county are hereby authorized and directed to borrow, on the credit of the county, the sum of one hundred and twenty-five thousand dollars, at a rate of interest not exceeding six per centum per annum, said loan to be redeemable in twenty years; but no certificate of stock shall be issued for any fractional part of a hundred dollars: *Provided*, That the money so borrowed shall be appropriated by the county board to pay the present indebtedness of the county.

Proviso.

Commerce st.,
district of Rich-
mond.

SECTION 5. That Commerce street, in the district of Richmond, and in the county of Philadelphia, as being laid down in the plans of said district, to be sixty feet in width, shall be so vacated from York to Cedar street, in said district, to be forty feet in width; and that portion of said street so vacated, shall be vacated on the east side of said Commerce street.

Repeal of parts
of certain act.

SECTION 6. That the fourth section of an act entitled "An Act for the relief of Bernard Kelly, of Blair county; to enlarge the limits of

the borough of Shirleysburg, Huntingdon county; and relative to the guardians of the poor of Philadelphia county, passed March twenty-ninth, one thousand eight hundred and fifty-one, and the seventh section of an act relative to the Philadelphia and Lancaster turnpike road, within the district of West Philadelphia, and for other purposes, approved the third day of May, A. D., one thousand eight hundred and fifty-two, be, and the said sections are hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 44.

AN ACT

To incorporate the Mechanics' savings bank of Harrisburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Daniel W. Gross, W. J. Robinson, Richard Fox, B. F. Etter, C. B. Henry, J. C. Bomberger, Philip Dougherty, John Zinn, Isaac S. Waterbury, and every other person hereafter becoming members are hereby erected into one body politic and corporate in deed and in law, by the name, style and title of "The Mechanics' savings bank," and by that name shall be able to sue and be sued in all courts and tribunals, and to purchase, have and hold lands, tenements, hereditaments, rents, goods, chattels and effects of whatsoever nature or kind, and the same at any time to sell, grant and dispose of, and to make, execute and deliver all proper and legal conveyances and assurances, and to receive the same, and also to make, have and use a common seal, establish and put in execution all such by-laws, ordinances and regulations as may be necessary and fit to subserve the interests of the institution, not being contrary to the Constitution and laws of this Commonwealth or of the United States: *Provided,* That the clear yearly value of the real estate so held shall not exceed the sum of one thousand dollars, except such as shall have been bona fide mortgaged to the said institution by way of security, or conveyed in satisfaction of debts contracted in the course of its dealings.

SECTION 2. That the business of said institution shall be to receive moneys on deposit at such rates of interest as may be agreed upon: *Provided,* That the said institution shall not in any case, or for any

purpose, issue its own bills in the manner of bank notes for circulation as money.

Capital.

SECTION 3. That for the security of the depositors of the said institution, it shall be the duty of the persons named in the first section and such others as may become members of the institution previous to the granting of letters of incorporation, to raise and form a capital of not less than ten or more than fifty thousand dollars in shares of fifty dollars each, which capital shall at all times be liable to the depositors for the amount of their deposits and the interest accruing thereon, the shares to be transferable on the books of the institution in such manner as may be designated by the by-laws of said institution.

Investment of funds.

SECTION 4. That the said corporation shall be authorized to invest its funds in public stocks of this State or of the United States, in real securities or in the discount of notes and personal securities: *Provided*, That the rate of discount at which loans may be made by the said institution shall not exceed one-half of one per centum for thirty days.

Management of institution.

SECTION 5. That the business of said institution shall be managed and conducted by seven directors to be chosen in the manner hereinafter mentioned, five of whom shall form a quorum to do business, they shall choose from their own number a president and appoint a cashier and also a clerk if necessary, and the office of said institution shall be in the borough of Harrisburg.

Dividends.

SECTION 6. That the president and directors shall declare dividends of the interest arising on deposits as often as they may deem proper, and a depositor shall have the right of withdrawing his deposits at any time, if not exceeding twenty dollars on ten days' notice, if above that sum and not exceeding forty dollars on thirty days' notice, and if above that sum on three months' notice.

Liability of stockholders.

SECTION 7. That the stockholders shall be individually liable for the debts and engagements thereof except deposits made in other funds than specie, and debts due to banks in such sums as may be equal to the par value of the stock owned and held by them respectively therein: *Provided*, That the debts due and to become due to the said institution, except debts due from the State of Pennsylvania, and balances due from banks shall never amount to more than three times its capital stock paid in.

Cashier to give bond.

SECTION 8. That the cashier shall give bond to the president and directors of the institution in a sum not less than five thousand dollars with two or more sureties conditioned for the faithful performance of all the duties enjoined on him; he shall be the receiver of all moneys of the institution, and shall disburse and pay the same under such rules as may be established by the president and directors, may be removed at the pleasure of the said president and directors.

Meeting of members.

SECTION 9. That there shall be a meeting of the members of the Mechanics' savings bank on such day in the month of May next, at such place as a majority of the persons named in this act shall appoint, for the purpose of choosing from among the members seven directors to manage the affairs of the said institution for twelve months thereafter, and until a new election shall take place all future elections shall be held in such manner and at such times as the by-laws shall provide.

Officers.

Statement of affairs.

SECTION 10. That the president or cashier shall make a statement annually of the affairs of the said institution on oath or affirmation to the Auditor General to be laid by him before the Legislature.

SECTION 11. That this institution shall continue for fifteen years Reservation. and no longer, except so far as may be necessary to close its business, and the Legislature may at any time alter or revoke the privileges hereby granted.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifth day of February, A. D., one thousand eight hundred and fifty-three,

WM. BIGLER.

No. 45.

A N A C T

To repeal an act laying out a State road from Deardorff's mill, in Adams county, to Owen's lime-kiln, in York county, approved March first, one thousand eight hundred and fifty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That an act authorizing the laying out of a State road from at or near Deardorff's mill, in Adams county, to a point on the York and Conewago canal turnpike at or near Owen's lime-kiln, in York county, approved the first day of March, Anno Domini, one thousand eight hundred and fifty-two, be, and the same is hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The seventh day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 46.

AN ACT

To incorporate the Chartiers Valley railroad company.

- Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John H. Ewing, John Bausman, L. P. Hitchcock, Jacob Morgan, William S. Calahan, George S. Hayes, John Boyce, Thomas Watson, John Weaver, Daniel Houston, Robert McKnight, David P. Morgan, James O'Harra Denny, Thomas Bakewell, Henry Graff, J. K. Moorehead, Frederick Lorenz, William Larimer, jr., George Ledlie, Leckey Harper, Mansfield Brown, William M. Daniel, and Charles A. Paulson be, and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the style and title of the "Chartiers Valley railroad company," with power to construct a railroad from the city of Pittsburg, in the county of Allegheny, by way of Cannonsburg to the borough of Washington, in Washington county.
- Style.**
- Capital stock** SECTION 2. That the capital stock of said company shall consist of five hundred thousand dollars: *Provided,* That the said company may from time to time by a vote of the stockholders at a meeting called for that purpose, increase their capital stock if it shall be deemed necessary to an amount fully sufficient to carry out the true intent and meaning of this act.
- Notice to be given of meeting of stockholders.** SECTION 3. That a majority of the commissioners named in the first section of this act, shall as soon as practicable after the reception of the letters patent give twenty days' notice, in two or more newspapers in the city of Pittsburg and borough of Washington, of a time and place for the subscribers to the capital stock of said company to meet, and shall at such time and place proceed to hold an election by ballot, and appoint judges thereof, for the purpose of electing from the stockholders seven managers for the management of the affairs of said company, who shall continue in office until the second Monday of January next ensuing said election, or until other officers are chosen: *Provided,* That no person shall be elected such manager who is not a citizen of one or the other of the two counties through which the said road passes.
- Proviso.**
- Meeting of stockholders.** SECTION 4. That the stockholders shall meet on the second Monday of January in each year, at such place as may be designated in the by-laws of the company, of which meeting at least twenty days' notice shall be given in three or more newspapers in the city of Pittsburg and borough of Washington, as the board shall direct, and choose by a majority of votes seven directors, all of whom shall be the owners respectfully of at least five shares in the stock of said company: *Provided,* That no person shall be eligible to the office of director in said company who is not a citizen of one or the other of the two counties through which the said road passes.
- Proviso.**
- Officers.** SECTION 5. That the said directors and those hereafter to be chosen, in pursuance of the provisions of this act, at their first meeting shall choose by ballot one of their own number a president of said company, and the said president and directors shall conduct and manage the affairs

and business of said company for one year next ensuing their election, or until others are chosen, and make, ordain, and establish such by-laws, rules, orders, and regulations, and do and perform such other matters and things as are by this act authorized.

SECTION 6. That the cities and boroughs hereinafter mentioned be, and they are hereby authorized to subscribe to the capital stock of the said company not exceeding respectively the number of shares hereinafter mentioned, namely: The city of Pittsburg five thousand shares; the respective boroughs of Birmingham, East Birmingham, and South Pittsburg, in the county of Allegheny, each five hundred shares; the borough of Washington, in the county of Washington, five hundred shares; and the borough of Cannonsburg, in the county of Washington, five hundred and fifty shares; and the said city and boroughs above-mentioned shall have power to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed, by the assessment and collection of such tax as may be necessary for that purpose, and also, as in other cases of loans to corporations, and no certificate of loan or bond shall be issued by said corporations for a less sum than one hundred dollars, and shall be transferable as shall be directed by said corporations respectively, and the certificates of loan or bonds to be issued by any of said corporations for the purpose aforesaid, bearing an interest of six per cent. per annum, payable half yearly, may be received by said Chartiers Valley railroad company in payment of instalments on shares subscribed by said corporations, on such terms as shall be agreed upon between said company and said corporations.

Certain cities and boroughs authorized to subscribe stock.

Power to borrow money.

SECTION 7. That the subscription of stock aforesaid shall be directed by resolution passed by the corporate constituted authorities of the said city and boroughs respectively, and said corporations may be represented at elections and other meetings of said railroad company, by agents duly authorized by resolutions of the constituted authorities thereof.

Subscriptions of stock, how directed.

SECTION 8. That upon the recommendation of one grand jury, the commissioners of the county of Allegheny, or a majority of them, be, and they are hereby authorized to subscribe, not exceeding five thousand shares, in the capital stock of the said Chartiers Valley railroad company, in the name and in behalf of said county, and to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed, as in other cases of loans to corporations.

Commissioners of Allegheny county to subscribe.

SECTION 9. That upon the recommendation of one grand jury, the commissioners of the county of Washington, or a majority of them, be, and they are hereby authorized to subscribe, not exceeding two thousand shares, in the capital stock of said company, in the name and in behalf of said county, and to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed, as in other cases of loans to corporations.

Commissioners of Washington county to subscribe.

SECTION 10. That the commissioners of said counties respectively, or a majority of them, may issue certificates of loan or bonds in the name of said counties respectively, redeemable in not less than ten nor more than twenty-five years, bearing an interest of six per cent. payable semi-annually, which shall be transferable as may be directed by said commissioners or a majority of them respectively, and the said certificates of loan or bonds shall be received as cash by the said railroad company, in payment of instalments on shares of stock subscribed for said counties; and the said company shall, also, pay or provide for the payment of the interest accruing upon said certificates of loan or bonds,

Issue of certificates.

- until the said railroad shall be completed; and the said counties may be represented at elections and other meetings of said company, by agents duly authorized and appointed by resolutions of the boards of commissioners of said counties respectively: *Provided*, That no certificate of loan or bonds shall be issued by the commissioners of said counties for a less sum than one hundred dollars.
- Proviso.
- Guarantee. SECTION 11. That the Chartiers Valley railroad company is hereby authorized to guarantee the payment of the principal or interest of any of the certificates of loan or bonds to be issued under this act.
- Payment of interest. SECTION 12. That the directors of the said Chartiers Valley railroad company are hereby authorized to pay to the shareholders entitled to receive the same, semi-annually, interest at the rate of six per cent. per annum on all instalments paid by them, which interest shall be charged to the cost of construction, and continue to pay the same until the said road shall be completed; and that until the period for which a dividend shall be declared, all the profits and earnings of the said road shall be credited to the cost of construction: *Provided*, That no stockholder who shall neglect to pay up the instalments as called for, shall be entitled to receive interest on the same: *Provided further*, That the stock of the said company shall not be subject to any tax in consequence of the payment of the interest here authorized.
- Proviso.
- Damages. SECTION 13. That in all cases where the Chartiers Valley railroad company and the owners of land and materials cannot agree upon the amount of damages claimed either for land or materials, the company may tender a bond with sufficient security, to the party claiming damages, the condition of which shall be, that the company will pay or cause to be paid such amount of damages as the party shall be entitled to receive after the same shall have been agreed upon by the parties or assessed according to law: *Provided*, That in case the party or parties claiming damages refuse to accept the bonds as tendered by the company, the company may in every such case present their bonds to the court of common pleas of the proper county, and if the court approve of the security they shall direct said bonds to be filed for the benefit of those to whom they may be given, and said bonds shall be answerable as all other debts for the amount of the damages assessed or agreed upon if the same be not paid in a reasonable time after such assessment or agreement.
- Proviso.
- Connection with certain other roads authorized. SECTION 14. That the president and directors of the Chartiers Valley railroad company are hereby authorized and empowered to connect their railroad at some suitable point on the Pittsburg and Steubenville railroad, and also to connect with the Hempfield railroad at some point at or near the borough of Washington, in the county of Washington, on such terms, and for such time and under such restrictions, as may be agreed upon by the officers and directors of said companies.
- Subject to provisions of certain act. SECTION 15. That the Chartiers Valley railroad company shall be entitled to all the privileges and subject to all the restrictions imposed by the general act entitled "An Act regulating railroads," approved the ninth day of February, in the year of our Lord, one thousand eight hundred and forty nine, except so far as is otherwise provided in this act.
- Commencement and completion of road. SECTION 16. That if the said company shall not commence the construction of said road within three years and complete the same within

seven years thereafter this act shall be null and void, except so far as the same may be necessary to settle up the affairs and pay the debts of the said company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The seventh day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 47.

AN ACT

To regulate the salary of the health officer of the port of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the salary of the health officer of the port of Philadelphia, shall be twelve hundred dollars per annum to be paid by the board of health in even and equal quarterly payments, and all acts inconsistent herewith are hereby repealed and made void.*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 48.

AN ACT

To incorporate the Philadelphia steam propeller company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Richard F. Loper, Wm. M. Baird, Wm. H. Loper, Wm. G. Alexander, Samuel Thompson, and their successors, be, and they are hereby incorporated into a body corporate and politic by the name, style and title of "The Philadelphia steam propeller company," and by the said name, style, and title the company shall have perpetual succession and be able and capable in law to sue and be sued, plead and be impleaded, to have a common seal, and to receive, possess, employ and dispose of ships and vessels with their appurtenances, and the steam engines and other necessary machinery necessary and proper for the propulsion and navigation thereof by the use of steam, and to hold and use all necessary easements for loading and unloading, receiving and delivering merchandize, transported or to be transported in said ships and vessels so to be customarily navigated by them, and further to have all such other rights and powers as are or may be properly incident to a corporation, having for its object the transportation of goods, wares, merchandize and the conveyance of passengers and mails, by the means of steam navigation to and from the city of Philadelphia: *Provided, That* nothing herein contained shall be construed to confer on the said corporation any banking or mining privileges, or the right to hold real estate excepting such as may be deemed necessary to accommodate the company's vessels, or such as may be conveyed to said corporation as security for or in payment of debt.

SECTION 2. That the five persons named in the first section of this bill shall be directors of the corporation until their successors are chosen by the stockholders, with power to choose from amongst their number a president; an election for five directors shall be held on the second Tuesday in February, one thousand eight hundred and fifty-four, and annually thereafter, of which election public notice shall be given of the time and place, but no failure to elect directors at the time named shall work as a non-user, but those in office shall continue therein until others are duly chosen.

SECTION 3. That the capital stock of said company shall be divided into shares of one hundred dollars each, and shall consist of two thousand shares with the privilege of increasing the same to three thousand, and the persons holding said stock shall be entitled to one vote for each share of stock held by them, and may vote either in person or by proxy; the shares of the stock aforesaid may be transferred by the owner or owners thereof, their executors or administrators, or attorney duly and lawfully authorized, in a book to be provided for that purpose, and in such manner as the directors shall direct.

SECTION 4. That dividends of the profits of said Philadelphia steam propeller company, as shall appear advisable to the directors, shall be declared and paid to the stockholders at least once in each year, but they shall in no case exceed the amount of the nett profits actually

Corporators.

Style.

Privileges.

Proviso.

Directors of
corporation.

Capital stock.

Dividends.

made and acquired after deducting all losses and expenses, and if the directors shall declare and pay any dividend by which the capital stock of the said company shall be impaired, they shall be jointly and severally liable for so much of the said capital stock as may be thus impaired and divided, which shall be recoverable by any party aggrieved or injured, in an action recoverable for debt as in other cases.

SECTION 5. That nothing contained herein shall be construed to authorize the said company to carry or transport freight or passengers to and from Philadelphia, to any point or place on the Delaware river or bay northward of the breakwater. Exceptions.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—the eighth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 49.

A SUPPLEMENT

To an act entitled “An Act to incorporate the Huntingdon and Broad Top Mountain railroad and coal company,” approved the sixth day of May, Anno Domini, one thousand eight hundred and fifty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That five members of the board of directors of the Huntingdon and Broad Top Mountain railroad and coal company shall constitute a quorum to transact business. Quorum.

SECTION 2. That all subscriptions to the capital stock of said company shall be deemed and taken to be valid and effectual, notwithstanding five dollars was not paid on each and every share at the time the same was subscribed, and notwithstanding that or any other informality in the manner of subscription to the capital stock or organization of the said company; and any subscriptions to the capital stock of the said company hereafter subscribed, shall be deemed and taken as good and valid: *Provided*, The five dollars on each and every share shall be paid within ninety days after the time such subscriptions are made. Subscriptions to capital stock.

SECTION 3. That the said company are hereby authorized to hold by purchase or lease any amount of land, or receive lands in payment for subscriptions to the stock of said corporation upon such terms as may be agreed upon between the company and the individuals offering said lands: *Provided*, That the whole amount of land purchased or leased under this section shall not exceed one thousand acres in addition to the amount authorized to be held by the act to which this is a supplement. Authority to hold lands. Proviso.

Lateral roads.

SECTION 4. That the Huntingdon and Broad Top Mountain railroad and coal company be, and they are hereby authorized to make lateral railroads from any point on the main route of the whole of said railroad, in any direction not exceeding seven miles in length each.

Increase of capital stock.

SECTION 5. That to enable the said company to carry out the provisions of this act, and all the provisions of the act to which this is a supplement, the capital stock of the said company may be increased in such manner and at such times as the board of directors may determine, to an amount not exceeding three hundred thousand dollars, in addition to the previous capital of said company; and further, the said company shall have the privilege of issuing its bonds, bearing interest not exceeding seven per cent. per annum, and to mortgage the property of said company to secure the payment of the said additional three hundred thousand dollars: *Provided*, That no bond so issued shall be for a sum less than one hundred dollars.

Certain connections authorized

SECTION 6. That the said company shall have power to connect their railroad with the Pennsylvania railroad, at or near the borough of Huntingdon, and shall have power to connect with the Pennsylvania canal, at or near the said borough of Huntingdon, and to dig, excavate, and construct such basins and boat-slips, to be supplied with water from said canal as may be necessary for the use of the said company in the loading of boats and the transshipment of coal and other freight: *Provided*, That the connection and construction of slips and basins hereby authorized, shall not, in any manner, interfere with or interrupt the business on the said canal, and that the plan or plans for which be submitted to and approved by the board of Canal Commissioners.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 50.

AN ACT

To incorporate the Point Pleasant Delaware bridge company.

Preamble.

WHEREAS, It is represented to the Legislature by the petition of a number of the inhabitants of the county of Bucks, that the erection of a bridge over the Delaware river at Point Pleasant would be a great convenience and accommodation to the public; therefore,

Capital stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the capital stock of the Point Pleasant Delaware bridge company shall amount to

twenty thousand dollars with the privilege of increasing the same to twenty-three thousand dollars, and the same shall be divided into shares of fifty dollars each, and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed at such periods and in such proportions as the president and directors of the said company may determine.

SECTION 2. That Henry S. Stover, Joseph Cowell, Joseph Hough, Commissioners. Charles E. Dubois, John S. Brown, C. E. Wright, Henry Chapman, George H. Michener, S. L. Roberts, J. W. Cowell, S. J. Paxson, Ralph Stover, S. A. Smith C. Myers, B. Harwick, Josiah Rich, I. N. Soliday, C. H. Mann, A. Swartz, Elias Morris, George Hager, B. Hough, Samuel Banger, John L. Radcliffe, Joseph Carr, William Rich, and Tobias Weisel, be, and they are hereby appointed commissioners on the part of this State who, with commissioners to be appointed by the State of New Jersey, shall be authorized to receive subscriptions to the said capital stock at such times and places as they or a majority of them may direct, giving notice thereof in two newspapers printed in the county of Bucks in this State, and in two newspapers printed in the county of Hunterdon, in the State of New Jersey, for twenty days at least, of the time and places when and where the said subscription shall be received, and at the time of subscribing for the said stock five dollars shall be paid upon each share subscribed for to the commissioners or some of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and that the residue of the subscriptions shall be paid in such instalments and at such times and places and to such persons as the president and directors of the company shall from time to time direct, and give public notice of, and upon failure of payment thereof as so directed for thirty days thereafter the said president and directors shall have power to forfeit the shares of each and every person failing to pay the said instalments or any of them to and for the use of the said company: *Provided*, That if the number of shares subscribed for shall exceed the amount or number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such stockholders in proportion to the amount or number of shares by them subscribed as aforesaid. Subscriptions of stock. Proviso.

SECTION 3. That when three hundred shares are subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company by the name of the Point Pleasant Delaware bridge company, and by that name shall have perpetual succession and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of purchasing, taking, and holding to them and their successors and assigns, in fee simple or for any less estate, such lands as may be necessary in the erection of said bridge and suitable toll houses and of suing and being sued. Privileges.

SECTION 4. That as soon as three hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give notice in two or more of the newspapers printed in the county of Bucks, in the State of Pennsylvania, and the county of Hunterdon, in the State of New Jersey, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot by a majority of votes to be delivered in person or by proxy, one president, six directors, one secretary, and one treasurer, and such other officers as they Notice to be given.

shall think necessary to conduct the business of the said company until the next annual election, and shall make such by-laws and regulations not inconsistent with the laws and Constitution of this State or of the United States, as shall be necessary for well ordering the affairs of the said company: *Provided*, That no person shall have more than twenty votes at an election, and that each person shall be entitled to one vote for every share by him held not exceeding ten, and one vote for every two shares above ten and not exceeding twenty, and one vote for every five shares above twenty, until the number of votes amounts to twenty.

Proviso.

Meeting of stockholders.

SECTION 5. That the said stockholders shall meet on the first Monday in January in every succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of electing officers for the ensuing year.

Certificates of stock.

SECTION 6. That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders respectively, signed by the president and countersigned by the treasurer of the said company, which certificates shall be transferable at his or her pleasure, in person or by attorney, subject, however, to the payments due, that may grow due thereon; and the assignee holding any certificate, having first caused the assignment and transfer to be entered in a book of the company to be kept by the treasurer for that purpose, shall, for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company, to vote as aforesaid at the meetings thereof.

Meeting of president and directors.

SECTION 7. That the said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business; at such meetings five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book by the secretary; and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary to carry on said bridge, and complete the same, and fix their salaries and other wages; to determine the time, manner, and proportions in which the stockholders shall pay the money due on their respective shares; to draw orders on the treasurer for all money that may be required, the same to be signed by the president and attested by the secretary of the board, and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful.

Purchase of lands.

SECTION 8. That after the place for the erection of the said bridge shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors to contract and agree with the owner or owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners of the same; but in case they cannot agree, then it shall and may be lawful for the president and directors to apply to one of the judges of the supreme court of this State, not being a stockholder or otherwise interested, who, upon such application is hereby authorized and directed to appoint three discreet and disinterested freeholders of this State, who, after being duly sworn or affirmed before any justice of the peace faithfully to perform the duties enjoined upon them by this act, shall proceed to view and examine said banks and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting said bridge, and mak-

Damages.

ing and establishing all necessary works and roads to and from the same, and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements so necessary to be taken as aforesaid, and shall report what sum shall be paid by the said company for the same, which report shall be made in writing under their hands and seals, or under the hands and seals of any two of them, and shall return the same, together with a map describing the metes and bounds of such lands and tenements to the supreme court next after they shall have agreed upon and signed the same, and the said report having been confirmed by the supreme court, shall be filed in the clerk's office of the said court with the map aforesaid, and the said president and directors having paid the said owners respectively the several sums awarded to be paid to them in and by the said report, together with the fees of the said arbitrators, at the rate of two dollars to each for every day employed in the said business, and their necessary expenses; the said company shall be entitled to have and to hold to them and their successors and assigns forever, the said lands and tenements as fully and effectually as if the same had been granted to them by the respective owners thereof; and it shall and may be lawful thereupon, and not before the said president and directors, to enter upon the said lands and tenements, and to commence and complete the erection of the said bridge.

SECTION 9. That it shall and may be lawful for the president and directors aforesaid, their superintendents, engineers and artists of every kind, to enter into and upon all lands and enclosures near to the place where the said bridge is to be built and examine the ground for the purpose of obtaining stone, gravel or sand for the building of the said bridge, and shall and may be lawful for the said president, directors, overseers, superintendents, or any other person, in building the said bridge, to enter with wagons, carts, sleds or sleighs, or beasts of burden, or draught of any kind whatsoever, first giving notice to the owners, doing as little as damage possible and repairing any breaches of fences they may have occasion to make, and first making amends for any damage that may be done, which damage shall be ascertained by the parties if they can agree, or if they cannot agree, then by the appraisement thereof, to be made upon oath or affirmation of three disinterested freeholders of the neighborhood, or any two of them to be mutually chosen, or if the owner or president and directors, superintendents, engineers or artists upon due notice shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county not interested on either side, and the said president and directors, or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig and carry away any stone, gravel, sand or earth most conveniently situated for making and repairing said bridge.

SECTION 10 That the president and directors of the said company, shall keep fair and just accounts of all moneys received by them from the said commissioners and from the stockholders, and of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the prosecution of the said work, and shall submit such account to each annual meeting of the stockholders.

SECTION 11. That when a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge shall be vested in the said company, their successors and assigns forever, and the said company, their successor and assigns, may demand

Authority to
enter upon
lands.

Property of
bridge vested in
company.

and receive toll from travelers and others, not to exceed the following rates; for every coach, landau, chariot, phaeton or other pleasureable carriage, with four wheels drawn by four horses, the sum of sixty cents; for the same kind of carriage with two horses the sum of forty cents; for every wagon with four horses the sum of fifty cents; for every carriage of the same description, drawn by two horses, forty cents; for every chaise, riding chair, sulky, cart or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty cents; for the same, with one horse, the sum of fifteen cents; for a single horse and rider, the sum of ten cents; for every led or driven horse or mule, the sum of five cents; for every foot passenger the sum of two cents; for every head of horned cattle the sum of three cents; for every sheep or swine, the sum of one cent: *Provided*, All persons going to and returning from funerals, persons going to and returning from meeting or church, on the Sabbath, children going to and returning from school, all persons going to or returning from military trainings or parade, shall pass free of toll: *Provided also*, That fixing the toll of all carriages drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse, and the said company shall so erect the said bridge as in no wise to injure, stop or interrupt the navigation of the said river, or prevent boats or craft from passing or persons from fording the said river.

Proviso.

Proviso.

Penalty for
injury done to
works.

SECTION 12. That if any person or persons shall wilfully cut or destroy, break or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they so offending shall forfeit and pay for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered before any justice of the peace in the county of Bucks, in the State of Pennsylvania, or the county of Hunterdon, in the State of New Jersey.

Tolls.

SECTION 13 That if the said company, their successors and assigns, and whosoever shall own and possess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge than what are hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good order and repair, he, she or they so offending for every such offence shall forfeit and pay the sum of thirty dollars, one-third thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, and one-third thereof to the use of the poor of the township of Kingwood, Hunterdon county, in the State of New Jersey, and the other third to the use of the person who may sue for the same: *Provided always*, That no suit or action shall be brought unless within sixty days after such offence shall be committed.

Proviso.

Accounts of toll
to be kept.

SECTION 14. That the said president and directors and company shall also keep a just and true account of all and every the moneys received by their respective collector or collectors of toll for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders of the said company deducting first therefrom all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund to provide against the decay and for the rebuilding and repairing the said bridge and shall on every first Monday in January and July, in each and every year, publish the dividend to be made of the said clear profits thereof amongst the stockholders and the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly.

SECTION 15. That this act shall not take effect or go into operation ^{When act to} until the Legislature of the State of New Jersey shall pass a law ^{take effect.} appointing commissioners on their part vesting like power and authority in the subscribers to the said capital stock of erecting a bridge at the place aforesaid, and of extending the same from shore to shore with as full and ample powers, privileges, franchises, and emoluments as to the said company are hereby given.

SECTION 16. That nothing in this act contained shall be so construed as to authorize the said bridge company to exercise any banking ^{Banking privi-} privileges, or to issue any bank note or notes in the nature of bank ^{leges prohibited.} notes, and the Legislature reserves the right of altering, amending or annulling the charter whenever they think proper.

SECTION 17. That the president and directors may and shall have ^{Forfeiture of} power and authority instead of forfeiting shares for non-payment of ^{shares.} instalments, of enforcing the payment of all instalments due as other debts of similar amounts are recovered as to them may be deemed best.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The ninth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 51.

AN ACT

To incorporate the North Western railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* and it is hereby enacted by the authority of the same, That James ^{Commissioners.} G. Campbell, George W. Smith, Jacob Ziegler, Charles C Sullivan, Samuel A. Purviance, Samuel M. Lane, Arthur M'Gill, A. N. Meylert, J. N. Purviance, Dunlap M'Laughlin, John Graham, John M. Sullivan, James D. Clark, be, and they are hereby appointed commissioners to open books, receive subscriptions of stock, and organize a company by the name, style, and title of the "North Western railroad ^{Style.} company," with all the powers and subject to all the duties, restrictions, ^{Subject to pro-} and regulations prescribed by an act of Assembly of this Common- ^{visions of} wealth, entitled "An Act regulating railroad companies," approved ^{certain act.} nineteenth day of February, Anno Domini, one thousand eight hundred and forty-nine, so far as the same are not altered and supplied by the provisions of this act.

SECTION 2. That the capital stock of said company shall consist of ^{Capital stock.} twenty thousand shares, of fifty dollars each, which said capital stock may be increased, if the exigencies of the company shall require it, to

any sum not exceeding two millions of dollars, as the president and directors of said company may deem expedient.

Location of
railroad.

SECTION 3. That said company shall have the right to build and construct a railroad from some point on the Pennsylvania or the Allegheny Portage railroad, at or west of Johnstown, by the way of Butler, to the Pennsylvania and Ohio State line, at some point on the western boundary line of Lawrence county, with single or double track, and of any gauge and width not exceeding four feet ten inches, that shall be deemed advisable by the president and directors of said company, by the most direct and eligible route and such grades as will, in the opinion of said President and directors, most conduce to the public interest, and to connect with any railroad now constructed, or which may hereafter be constructed at either end or at any intermediate point on the line or route thereof.

When road may
be used.

SECTION 4. That whenever any section or sections of five miles or more of said railroad shall be completed, the said company may use, occupy, and enjoy the same as fully and in the same manner as if the whole of said road were completed.

Borrow money.

SECTION 5. That said company be, and they are hereby authorized to borrow money to an amount not exceeding the capital stock of said company, upon bonds to be issued by said company whenever the said president and directors shall deem the issue of such bonds expedient: *Provided*, That the rate of interest on said bonds shall not exceed seven per centum per annum, and that said bonds shall be convertible into the stock of the said company at the option of said company and the holder or holders of said bonds, and that no bond shall be issued for a sum less than one hundred dollars.

Proviso.

Payment of in-
terest to stock-
holders.

SECTION 6. That the president and directors of said company are hereby authorized to pay to the stockholders in the months of January and July in each year, interest at the rate of six per centum per annum on all instalments paid by them, and to continue to pay the same until the road shall be completed; and all the profits or earnings of the said railroad within the said time shall be credited to the cost of construction; and all interest paid shall be charged to the cost of construction, but no interest shall be paid on any share of stock upon which any instalment that has been called for remains unpaid, and the stock of said company shall not be subject to any tax in consequence of the payment of the interest hereby authorized, nor until the net earnings of the company shall amount to at least six per centum per annum upon the capital invested.

Counties autho-
rized to sub-
scribe stock.

SECTION 7. That the counties through parts of which said railroad may pass, shall be, and they are hereby severally authorized to subscribe to the capital stock of said railroad company, and to make payments on such terms and in such manner as may be agreed upon by said company and the proper county: *Provided*, That the amount of subscription by any county shall not exceed ten per cent. of the assessed valuation thereof; and that before any such subscription is made, the amount thereof shall be fixed and determined by one grand jury of the proper county, and approved by the same; upon the report of such grand jury being filed, the county commissioners may carry the same into effect by making, in the name of the county, the subscription so directed by the said grand jury: *Provided*, That whenever bonds of the respective counties are given in payment of subscriptions, the same shall not be sold by said railroad company at less than par value, and no bonds shall be in less amount than one hundred dollars, and such bonds shall not be subject to taxation until the clear profits of said railroad shall amount to six per cent. upon the cost thereof, and that all

Proviso.

Proviso.

subscriptions made or to be made in the name of any county, shall be held and deemed valid if made by a majority of the commissioners of the respective counties.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The ninth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 52.

AN ACT

To authorize the Manheim, Petersburg, and Lancaster turnpike or plank road company to borrow money; relating to a State road in Lancaster and Chester counties; to the limits of the borough of Lebanon; to the Lancaster and Marietta turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Manheim, Petersburg, and Lancaster turnpike or plank road company shall have full power and authority to borrow any sum of money, or sums of money, not exceeding five thousand dollars which may be necessary to enable them to complete their road, discharge the debts incurred in the construction thereof, and enjoy the full benefit of the privileges conferred upon them by the act of Assembly authorizing their incorporation, any such loan to be on such terms and conditions as the said corporation may deem fit, and at any rate of interest not exceeding six per centum per annum, with power also to pledge and mortgage as security for such loan or loans their said road and all and any of their property, real and personal, together with all their rights, powers, and privileges, and franchises, any sale or sales under any judicial process to enforce any such pledge or mortgage shall pass to and vest in the vendee or vendees whatever property, rights, powers, privileges, and franchises, may have been pledged or mortgaged under any such pledge or mortgage as last aforesaid: *Provided,* That no bonds shall be issued by the company for a less amount than one hundred dollars.

SECTION 2. That Martin Bear, and Joseph C. Dickinson, of Lancaster county, and Jonathan Booth, of Chester county, be, and they are hereby appointed commissioners to view and lay out a State road from Mount Vernon tavern on the Philadelphia turnpike, in the county of Lancaster to the Gap and Newport turnpike at a point where the road from Christiana intersects the same in the county of Chester.

SECTION 3. That it shall be the duty of the said commissioners or a majority of them appointed to view as aforesaid, as soon as practicable,

after having been sworn or affirmed before an alderman or justice of the peace (who shall file and preserve the same in his office) to perform the duties enjoined upon them by this act with impartiality and fidelity, carefully to view the ground and lay out the said road, having respect to the best ground and shortest distance so as best to promote the public good, and do the least injury to private property, and they shall clearly and distinctly mark upon the ground the route agreed upon in such manner as to enable the supervisors readily to find the same.

Authority to vacate.

SECTION 4. That the commissioners shall have authority by this act to vacate so much of any road or roads as may be supplied by the new road if it shall appear expedient so to do, and also to lay out any part of the said road on the bed of any road or part of a road heretofore laid out by authority of law; they shall make a fair and accurate draft of the location of said road, noting the courses and distances with a reference to the improvements, one copy whereof shall be deposited in the office of the secretary of the Commonwealth, and one copy in the office of the clerk of the court of quarter sessions of said county, and from thenceforth the road shall be to all intents and purposes a public highway, and shall be open to the width of thirty-three feet and repaired in all respects as roads are opened and repaired, laid out by order of court and damages sustained by the owners of private property assessed and paid in the same manner.

Pay of Commissioners.

SECTION 5. That the commissioners shall receive one dollar and fifty cents each for every day they shall be necessarily employed in performing the duties enjoined by this act, and they are hereby authorized to employ a surveyor, two chain-carriers, and one axeman at a reasonable compensation, and their accounts shall be adjusted by the commissioners and paid by the treasurer of said counties in the usual manner, and if any vacancy or vacancies shall happen by resignation or otherwise the court of quarter sessions of the proper county or counties is hereby authorized to fill the vacancy or vacancies by suitable appointments.

Extension of the limits of the borough of Lebanon.

SECTION 6. That the borough limits of the borough of Lebanon, in the county of Lebanon, as at present established by law, are hereby extended so as to embrace and include the town of East Lebanon lately laid out on the eastern side of the said borough, described as follows, to wit: Beginning at a stone, being the north-east corner of the said borough; thence through the out lots on a course parallel with Cumberland street in the said borough to the line of land of Casper Light and said town of East Lebanon; thence along said line and the lands of the heirs of John Light, deceased, and Solomon Macauley, to the south-east corner of said town of East Lebanon; thence along the line between Dr. Schneek, John Shindel, and the said town, until it intersects the said borough.

Commencement and completion of the Lancaster and Marietta turnpike road.

SECTION 7. That the act to incorporate the Lancaster and Marietta turnpike, road company, approved the eight of April, one thousand eight hundred and forty-eight, be, and the same is hereby revived, and the time of beginning said road extended three years, and of completing it six years from the passage of this act, subject to all the provisions and restrictions of the act regulating turnpike and plank roads, passed the twenty-sixth of January, one thousand eight hundred and forty-nine, and the supplements thereto, except so far as the same may conflict with the provisions of the act hereby revived, and Christopher Hager, Samuel Johnston, John F. Long, James Mehaffery, William B. Fordney, Henry Musselman, Jacob Grosh, John Schenk, Jacob M'Greider, A. N. Cassell, Samuel C. Hiestand, John Shenk, and Henry Copen-

heffer, be, and they are hereby appointed commissioners to do and perform the several things named in said act.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The ninth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 53.

AN ACT

Authorizing the Governor to incorporate the Strasburg and Willow Street turnpike road company; relative to the Lafayette railroad company; and to the collection of taxes in Warwick township, Lancaster county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Christian Kieffer, Henry Miller, D. Samuel Keneagy, Lewis Sutor, Jesse Gyger, Abraham Mylin, Samuel Spiehlman, Martin Roher, and A. H. Hood, are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style, and title of "The Strasburg and Willow Street turnpike road company," with power to construct a turnpike from the West end of the borough of Strasburg, on the Lampeter road, in Strasburg, and West Lampeter townships, in the county of Lancaster, along said road to the village of Lampeter Square, and from and through said village along the Blue Rock road to where said Blue Rock road intersects the Willow Street turnpike road, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto. Commissioners.

SECTION 2. That the capital stock of said company shall consist of eight hundred shares, at twenty dollars per share: *Provided*, That company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as may be necessary in their opinion to carry into effect the true intent and meaning of this act. Capital stock. Proviso.

SECTION 3. That the president and managers of the said corporation are hereby authorized to change the location of the aforesaid Lampeter and Blue Rock roads, at such points and to such distance as may be necessary to keep the turnpike road within the rise and fall prescribed by the aforesaid acts of Assembly, the said company to pay the damages sustained by the landholders, by reason of such change of location, the said damages to be fixed and determined in the manner provided in the aforesaid act of Assembly of January twenty-sixth, one thousand eight hundred and forty-nine. Change of location of the Lampeter and Blue Rock roads.

Gates and toll. SECTION 4. That whenever the said company shall have finished the said road, notwithstanding its length may be less than five miles, the same proceedings may be had to enable the company to erect and fix gates upon and across the same and collect tolls, as is provided in the aforesaid act of Assembly in relation to any completed five miles of a turnpike road.

Commencement and completion of road. SECTION 5. That the said company shall commence said road within three and finish it within ten years from the passage of this act, and failing to do so, the provisions of this act shall be null and void.

Commissioners to run the line between the counties of Luzerne and Carbon to file report. SECTION 6. That the commissioners, or a majority of them, named in the thirteenth section of an act entitled "An Act to incorporate the Lafayette railroad company; and relative to Gray's Ferry road, in the county of Philadelphia, and for other purposes," approved the third day of April, one thousand eight hundred and fifty-one, be permitted to file their report made or to be made, in reference to the running, marking, and establishing the county line between the counties of Luzerne and Carbon, according to the requirements of said thirteenth section of said act: *Provided*, The same be done within sixty days from the passage hereof, and that so much of said act as is hereby altered, be, and the same is hereby repealed.

Proviso. SECTION 7. That the provisions of the first section of the act of twelfth April, one thousand eight hundred and fifty-two, entitled "An Act relating to the collection of taxes in certain townships in Lancaster county, and for other purposes," be, and the same are hereby extended to Warwick township, in said county.

Extension of certain act to Warwick tp., Lancaster co. SECTION 7. That the provisions of the first section of the act of twelfth April, one thousand eight hundred and fifty-two, entitled "An Act relating to the collection of taxes in certain townships in Lancaster county, and for other purposes," be, and the same are hereby extended to Warwick township, in said county.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The ninth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 54.

AN ACT

Regulating certain election districts.

Jordon township, Northumberland co. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified voters in the new township of Jordon, county of Northumberland, shall hold their general and township elections at the house of Abraham T. Troutman, now occupied by Elias Klinger, in said township, and Francis Markley shall act as judge, and John Bush and John Borrel act as inspectors to hold the first township election on the third Friday of March, and thereafter the qualified voters of said township

shall elect such township officers at such times as are now provided by law in other townships, in said county.

SECTION 2. That the qualified voters of Jackson township, in Northumberland county, shall hereafter hold their general and township elections at the house of George Smith, in said township. Jackson tp., Northumberland co.

SECTION 3. That the qualified voters of the township of Harrison, in the county of Bedford, shall hereafter hold their general, special and township elections at school house number five, near the dwelling house of Henry Kiser, in said township. Harrison tp., Bedford co.

SECTION 4. That hereafter the qualified electors of the township of Blacklick, in the county of Cambria, are authorized to hold their general, special and township elections at the house of Adam Meakin, in the village of Belsina. Blacklick tp., Cambria co.

SECTION 5. That the general, township and special elections for Beaver township, Jefferson county, shall, as heretofore, be held at the house formerly occupied by D. D. Wonderly in the village of Heathville, in said township. Beaver tp., Jefferson co.

SECTION 6. That the qualified electors of Upper Turkeyfoot township, Somerset county, shall hereafter hold their township and general elections at the house of Lemuel King, in said township. Upper Turkeyfoot tp., Somerset co.

SECTION 7. That the qualified electors of Northampton township, Somerset county, shall hereafter hold their township and general elections at the school house at Wells' saw mill, in said township. Northampton tp., Somerset co.

SECTION 8. That from and after the passage of this act, the general and township elections of Jackson township, Dauphin county, shall be held at Bixler's mill, in said township. Jackson tp., Dauphin co.

SECTION 9 That the qualified voters of Luzerne township, county of Fayette, shall hereafter hold their general and township elections in the cross roads' school house, near the residence of Joseph Y. Crawford, in said township. Luzerne tp., Fayette co.

SECTION 10. That all part of Milford township, in the county of Somerset, lying west of Middle creek from where the State road crosses the same, near the house of Daniel A. Miller, following said road to Michael Putmans, and from thence to the Jefferson township line, by the house of Jacob Gardiner, and from where the Gebhartsburg and Peterburg road crosses said creek, near the house of Henry Bouchers, to the south line of said township, the southern, western and northern boundary lines remaining as they now are, is hereby erected into a separate election district and township to be called Middle Creek, and the qualified electors shall hold their general, special and township elections at the house now occupied by John Hamilton, in the village of New Lexington, and John R. King is hereby appointed judge and Benjamin V. Bowman and Jacob K. McMillen inspectors of the first election. Milford tp., Somerset co.

SECTION 11. That the said inspectors shall give ten days' notice of the time and place of holding the ensuing spring election, by written hand bills put up at six or more public places in said district. Notice to be given.

SECTION 12 That hereafter the general, special and township elections in Keating township, Clinton county, be held at the house of Seth Nelson, in said township. Keating tp., Clinton co.

SECTION 13. That the qualified electors of Delaware township, in Mercer county, shall hereafter hold their general and township elections at the house of Robert M'Kean, in said township. Delaware tp., Mercer co.

SECTION 14. That the general and township elections for Mayberry township, Montour county, shall be held at the centre school house, on Mayberry tp., Montour co.

Sharp Ridge, in said township, and Jacob Shultz is hereby appointed judge and John Kase and Robert Davidson inspectors to hold the first election in March next.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The ninth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 55.

AN ACT

For the relief of the widow of Thomas Noblet, deceased, a soldier of the Revolutionary war; relative to the Philadelphia, Germantown, and Norristown railroad company; and to a State road in Bedford and Fulton counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is required to pay to Ann Noblet, of the county of Philadelphia, widow of Thomas Noblet, deceased, a soldier of the Revolutionary war, or to her order, an annuity of forty dollars during her natural life, commencing on the first day of January, one thousand eight hundred and fifty-three.

Ann Noblet.

Philadelphia,
Germantown,
and Norristown
railroad com-
pany to pur-
chase land.

SECTION 2. That the Philadelphia, Germantown, and Norristown railroad company shall be, and they are hereby authorized to purchase and hold as much land contiguous to the present route of their road as shall be necessary for the purpose of making a double track along the whole line, agreeably to the original act of incorporation, passed February seventeenth, one thousand eight hundred and thirty-one, and the double track required by the said act, and the supplements thereto, shall be fully laid and completed within five years from the passage of this act.

Certain road va-
cated.

SECTION 3. That so much of the public road leading from Schellsburg, in Bedford county, to Fort Littleton, in Fulton county, or lies between a point where said road intersects the main valley road and a point at or near the house now occupied by John Speer, in Wills township, Fulton county, be, and the same is hereby vacated, and in lieu thereof the supervisors of said township are hereby authorized and required to lay out and open a road from, at, or near a small hickory in the said main valley road, to the north end of the said house now occupied by the said John Speer.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 56.

A N A C T

For the relief of Elizabeth Wise, widow of Martin Wise, a soldier of the Revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be directed to pay to Elizabeth Wise, widow of Martin Wise, late a pensionary of the Revolutionary war, or her administrator, a gratuity of one hundred and forty dollars, the same that would have been due her said husband if living.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 57.

A N A C T

Authorizing the commissioners of Cumberland county to borrow money, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the county of Cumberland are hereby authorized to borrow on the credit of said county such amount of money, not exceeding forty thousand dollars, as they shall deem necessary for the erection of a county jail or prison in lieu of the old one.

SECTION 2. That the commissioners of the county of Cumberland be, and are hereby authorized to advertise and sell at public sale or outcry, to the highest and best bidder, all that lot of ground situate on the north side of East High street in the borough of Carlisle, containing sixty feet in front and being in depth two hundred and forty feet, numbered in the general plan of said borough two hundred and thirteen, and to convey the same in fee simple or otherwise to the

purchaser or purchasers thereof, upon the payment of the purchase money, the net proceeds of said sale to be paid into the public treasury of the said county of Cumberland.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The tenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 58.

AN ACT

Authorizing the sale of certain real estate of the German Reformed congregation of the city of Philadelphia, and State of Pennsylvania; authorizing the executors of Thomas Hart, deceased, and Wyndham H. Stokes and Edward C. Wayne to sell certain real estate; and relative to the Infant school society of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees, elders, and deacons of the German Reformed congregation of the city of Philadelphia, and State of Pennsylvania, be, and are hereby authorized and empowered to sell and convey in fee simple, or to let on ground rents the residue of their unimproved real estate, situate on the West side of Schuylkill Sixth street, and South side of Cherry street, in the city of Philadelphia, containing in front on said Schuylkill Sixth street, one hundred and seventy feet, more or less, and in depth ninety feet, and deeds to make to the purchaser or purchasers thereof in fee, or reserving a rent charge thereout: *Provided*, That the proceeds of sales so as aforesaid made, shall be exclusively appropriated for the payment of debts now or hereafter contracted, and to maintain and support the church of the congregation worshipping in the said church in Sassafras (or Race) street, below Delaware Fourth street, in the city aforesaid: *Provided*, That before any conveyance of said estate shall be made in pursuance of this act, the sale shall be approved by the orphans' court of the city and county of Philadelphia.

SECTION 2. That James H. Hart and William B. Hart, both of the county of Philadelphia, executors, et cetera, of Thomas Hart, be, and they are hereby authorized and empowered to unite with William H. Hart, of the city of Philadelphia, in the sale, in fee simple or on ground rent, of the whole or any part of the real estate in which the said Thomas Hart and William H. Hart were interested as tenants in common, either alone or together with any other persons, and thereupon to sign, seal, execute, and deliver a deed or deeds for the whole or any part or parts of said real estate to the purchaser or purchasers thereof, which

Real estate of German Reformed congregation of the city of Philadelphia to be let on ground rent.

Real estate of Thomas and William Hart.

conveyance or conveyances shall be as full, firm, and effectual for conveying the undivided share or interest of said real estate as if said Thomas Hart had been living and had himself joined in the execution of said deeds: *Provided*, That before making such deed or deeds, said executors shall give bond to be approved by the orphans' court of the county of Philadelphia, in such sum as they may direct, conditioned for the faithful application of all proceeds of sale: *And provided further*, That before any conveyance of said estate shall be executed, the said orphans' court shall have approved of such sale or sales.

WHEREAS, James Stokes, late of Germantown, Philadelphia county, deceased, did, on the ninth day of August, one thousand eight hundred and twenty-three, execute a deed of trust to Caleb P. Wayne and Charles Biddle, of the city of Philadelphia (for the use of Charles M. Stokes and Wyndham H. Stokes), for all those certain messuages, tenements, and lot or piece of ground thereunto belonging, situate on the south side of High street, commonly called Market street, at the distance of thirty feet westward from the south-west corner of the said High street and Delaware Front street, in the city of Philadelphia, and recorded in deed book A. M., number twelve, page one hundred and eight, and that the said James Stokes, deceased, by his last will, dated the fifth day of August, one thousand eight hundred and twenty-eight, duly proved and remaining in the office of the register of wills of Philadelphia county, on the twenty-second day of March, one thousand eight hundred and thirty-one, devised to Wyndam H. Stokes and Caleb P. Wayne, and their heirs in trust, for the use of Charles M. Stokes and his heirs, one equal and undivided half part of a certain lot or piece of ground situated on the south-west corner of Delaware Front and High streets, in the city of Philadelphia, and by the same will devised to Charles M. Stokes and Caleb P. Wayne, and their heirs in trust, for the use of Wyndam H. Stokes and his heirs, all the other equal and undivided half part of a certain lot or piece of ground situated at the south-west corner of Delaware Front street and High street, in the city of Philadelphia, and the said Caleb P. Wayne, Charles Biddle, and Charles M. Stokes have since deceased, leaving Wyndam H. Stokes and Edward C. Wayne, surviving, in whom the estate is now vested.

And whereas, By the last will and testament of Charles M. Stokes, deceased, dated nineteenth day of January, one thousand eight hundred and fifty, duly proved, remaining in the office of the register of wills of Philadelphia county, on the first day of April, one thousand eight hundred and fifty, did appoint and constitute the said Wyndam H. Stokes and Edward C. Wayne, trustees for his children.

And whereas, The buildings on said premises being old and rapidly going to decay, and their being no moneys or available means in the hands of the trustees of the children of the said Charles M. Stokes, deceased, to rebuild the same;

SECTION 3. That the said Wyndam H. Stokes and Edward C. Wayne, Trustees of the or the survivor of them, trustees aforesaid, shall have full power to sell at public sale, upon ground rent or otherwise, and duly to convey and execute good and sufficient title to the purchaser or purchasers thereof, his, her, or their heirs or assigns forever, free from trusts, the said lot of ground as contained in the first recited deed of trust, containing in front or breadth on High street, fifty-two feet and two inches, and in length or depth twenty-five feet, together with the undivided lot of ground at the south-west corner of Delaware Front and High streets, devised by the last will and testament of said James Stokes, deceased, containing on the said Front street twenty-five feet, and on the said High street thirty feet.

Grants, &c., by the Infant school society of Philadelphia.

SECTION 4. That all the grants, conveyances, transfers, sales, and devises of real estate or ground rents heretofore made to, as well as all sales, grants, conveyances, and transfers of real estate or ground rents, or any interest therein heretofore made by the Infant school society of Philadelphia, to any person or persons, corporation or corporations whatever, be, and the same are hereby confirmed as though full right and authority therefor had been contained in their charter, and said corporation is hereby authorized to have, hold, purchase, take, and receive real estate and ground rents, and sell and dispose of, as also, to grant and convey the same: *Provided*, The clear yearly value of the real estate and ground rents to be held by them at any one time shall not exceed the sum of three thousand dollars.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eleventh day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 59.

AN ACT

To incorporate the Cleveland and Mahoning railroad company.

Assent of Commonwealth given to act of the State of Ohio, incorporating the Cleveland and Mahoning railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the full and entire assent of this Commonwealth be, and the same is hereby given to all and each of the provisions contained in an act of the General Assembly of the State of Ohio, passed February twenty-second, one thousand eight hundred and forty-eight, entitled "An Act to incorporate the Cleveland and Mahoning railroad company," and also, to an act of said General Assembly of Ohio, passed March twenty-first, one thousand eight hundred and fifty-one, entitled "An Act to amend the act entitled 'An Act to incorporate the Cleveland and Mahoning railroad company,'" and the said acts of the General Assembly of the State of Ohio are hereby adopted, ratified, confirmed, and enacted into laws of this Commonwealth, and all and each of the provisions, conditions, and restrictions thereof, as fully and effectually as if the same were enacted section by section, so far as the same can apply to this Commonwealth, reserving always to this Commonwealth the same and like rights and powers in all respects in and over that part of the contemplated railroad which may be in the State of Pennsylvania, as has been reserved and provided in the said recited acts of the State of Ohio in and over that part of the said railroad which may be in the State of Ohio, and the said acts shall be in full force and effect according to the

true intent and meaning thereof, wheresoever the same is applicable, as well within as without this Commonwealth, to incorporate the Cleveland and Mahoning railroad company for all and every the objects and purposes therein set forth and provided; and all the acts and proceedings of the corporators, stockholders, and directors of the said Cleveland and Mahoning railroad company which have been legally done in pursuance of said above recited acts of the State of Ohio, shall have the same validity, force, and effect in this State and elsewhere, as if they had been subsequent to the passage of this act, and in pursuance thereof, except as hereinafter altered by the provisions of this act: *Provided*, That nothing herein contained shall in any way conflict with the rights and privileges of any company heretofore incorporated by the laws of this Commonwealth, without the consent of the directors thereof: *Provided*, That said company shall not hold any lands in this Commonwealth other than such as may be necessary for the location and working of their road: *Provided*, That said company shall not have power to issue bonds of an amount less than one hundred dollars, nor promissory notes in any amount, and shall in no wise transact the business of banking within this Commonwealth. Proviso.

SECTION 2. That in all cases when any matter in controversy shall have originated or arisen within the limits of this Commonwealth, the said company may sue and be sued in like manner as other bodies corporate within this Commonwealth, and in all matters and things which may in any way relate to or concern the exercise or abuse of the rights, privileges, powers, and franchises hereby granted, and also, in all things which may relate to or concern a compliance with, or a breach of the conditions and provisions of this act, the company shall be as perfectly subject to and under the control of the proper authorities of Pennsylvania, as if the said company had been created by a law of this Commonwealth; and in any suit or action, or proceeding at law or in equity against said company, the process may be served within the proper county or district, upon any known officer or agent of said company. Company subject to the authorities of Pennsylvania.

SECTION 3. That it shall be the duty of the president and directors of the said company, as soon as any portion of their railroad situated in this State shall be completed and in use for transportation, to prepare a full and accurate statement of the cost of construction of said portion of their railroad, authenticated by the oath or affirmation of the president and secretary of said company, and communicate the same to the Auditor General of this Commonwealth, who shall file the statement in his office. Cost of construction.

SECTION 4. That the stock of said company, to an amount equal to the cash value of said portion of their road, shall be subject to taxation by this Commonwealth at the same rates as other similar property is or may be subject to. Taxation.

SECTION 5. That said company is hereby authorized to continue their railroad into this State from the point at which it shall intersect the West line of this State, in the county of Lawrence, to any point on the line of the Ohio and Pennsylvania railroad between the said West line of the State and the New Brighton station of said Ohio and Pennsylvania railroad, and may connect it at such point with said Ohio and Pennsylvania railroad, and also, are authorized and required to construct a branch road, extending from the main stem, at or near the mouth of the Mahoning, by the most direct and eligible route, to a point at or near the borough of New Castle, in said county of Lawrence, of the same width of track and the same kind and weight of rail, Continuation of railroad.
Branch road.

and to be as permanent as the main line, and to be completed as soon as the aforesaid connection is made with the Ohio and Pennsylvania railroad, and when completed to run their locomotives and cars on said branch at the same times that they run through on the main line: *Provided*, That the town of New Castle, or citizens thereof, will subscribe twenty thousand dollars and secure the payment of the same: *Provided further*, That said company shall not construct any branch road or roads, or connect their road with any other railroad within this Commonwealth, except as authorized by this act.

Proviso.

Proviso.

Transaction of business.

SECTION 6. That said Cleveland and Mahoning railroad company and said Ohio and Pennsylvania railroad company are hereby authorized by and through the board of directors of each company respectively, to contract with each other so as to fix and determine the manner and the times of transacting the business which may be to any extent common to both roads.

Connection with other roads.

SECTION 7. That any other railroad company incorporated, or hereafter to be incorporated by the laws of this Commonwealth, shall have and possess at all times the right to connect their respective railroads or the tracks thereof with the Cleveland and Mahoning railroad, or with the branch thereof authorized by this act, at any point on the said Cleveland and Mahoning railroad, or on said branch thereof they may deem eligible and proper, on such terms as the boards of directors of the railroads forming the connections may agree.

Construction of act.

SECTION 8. That nothing contained in this act or in the laws of the State of Ohio, portions of which are by this act confirmed, shall be construed as authorizing the construction or continuance of any part or portion of the main line of said Cleveland and Mahoning railroad, or of the lateral or branch railroads thereto or therefrom into the county of Erie, or to connect with any railroad now existing or authorized by any law of this Commonwealth, leading through Erie county or either of the adjoining counties, to the State of New York.

Two of the directors to be citizens.

SECTION 9. That at least two of the directors of said Cleveland and Mahoning railroad company shall be citizens of the Commonwealth of Pennsylvania.

Exemplified copies to be annexed.

SECTION 10. That exemplified copies of the above recited acts of the State of Ohio, and of an act passed by said State on the eleventh day of February, one thousand eight hundred and forty-eight, entitled "An Act regulating railroad companies," shall be annexed to this act and published in the same manner as this act shall be published, and the Governor shall cause an attested copy of this act to be transmitted to the Governor of Ohio for the use of that State.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eleventh day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

AN ACT

Regulating railroad companies.

SECTION 1. *Be it enacted, by the General Assembly of the State of Ohio*, That when any number of persons not less than five, shall be named as incorporators in any act of the General Assembly, and autho-

ized to construct a railroad, they and their associates, successors, and assigns, by the name and style provided in said act, shall thereafter be deemed a body corporate with succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, require and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects of the incorporation, to make and use a common seal, and the same to alter, break, and renew at pleasure, and do all needful acts to carry into effect the object for which it was created, and such company shall possess all the powers and be subject to all the rules and restrictions provided by this act, except so far as may be modified by the special act incorporating the same.

SECTION 2. Said corporation shall be authorized to construct and maintain a railroad with a single or double track, with such side tracks, turn-outs, offices, and depots, as they may deem necessary between the points named in the special act incorporating the same, commencing at or within, and extending to or into any town, city, or village named as the place of beginning or terminus of such road, and construct branches from the main line to other towns or places within the limits of any county through which said road may pass.

SECTION 3. That the capital stock of such company shall be divided into shares of fifty dollars each, and consist of such sum as may be provided in the special act incorporating the same, such shares shall be regarded as personal property and shall be subject to execution at law.

SECTION 4. That an instalment of five dollars on each share of stock shall be payable at the time of making the subscription, and the residue thereof shall be paid in such instalments and at such times and places, and to such persons as may be required by the directors of said company.

SECTION 5. That if any instalment of stock shall remain unpaid for sixty days after the time it may be required, whether such stock is held by an assignee, transferee or the original subscriber, the same may be collected by an action of debt with a penalty of five per centum thereon, or the directors may sell the stock so unpaid at public auction for the instalment, interest and penalty then due thereon, first giving thirty days' public notice, of the time and place of sale, in some newspaper of general circulation in the county where such delinquent stockholder resided at the time of making such subscription, or becoming such assignee or transferee, or of his actual residence at the time of said sale, or if such stockholder reside out of the State such publication shall be made in the county where the principal office of the company is located; and if any residue of money shall remain after paying the amount due on said stock, the same shall on demand be paid over to the owner; if the whole of said instalment be not paid by such sale the remainder shall be recoverable by an action of debt against the subscriber, assignee or transferee.

SECTION 6. That whenever any railroad company heretofore incorporated or created, and incorporated under the provisions of this act, shall in the opinion of the directors thereof require an increased amount of capital stock, they shall, if authorized by the holders of a majority of the stock, file with the auditor of State a certificate setting forth the amount of such desired increase which shall not exceed the amount of the original capital of said company, and thereafter such company shall be entitled to have such increased capital as is fixed by said certificate.

SECTION 7. That the persons named in any special act of incorporation, or any five of them, shall be authorized to order books to be opened for receiving subscriptions to the capital stock of said company at such time or times, and at such place or places as they may deem expedient, after having given at least twenty days' notice, in a newspaper published or generally circulated in one or more counties where books of subscription are to be opened, of the time and place of opening books, and so soon as fifty thousand dollars of, or ten per centum on the capital stock shall be subscribed, they may give like notice for a meeting of the stockholders to meet at such time and place as they may designate, for the purpose of choosing directors who shall continue in office until the time fixed for the annual election, and until their successors are chosen and qualified; at the time and place appointed seven directors shall be chosen by ballot by such of the stockholders as shall attend for that purpose, either in person or by lawful proxies, each share shall entitle the owner to one vote and a plurality of votes shall be necessary for a choice, but after the first election of directors no person shall vote on any share on which any instalment is due and unpaid; the persons named in such special act, or such of them as may be present, shall be inspectors of such election, and shall certify that persons are elected directors, and appoint the time and place for holding their first meeting; a majority of said directors shall form a board and be competent to fill vacancies in their board, make by-laws, and transact all business of the corporation; a new election shall be annually held for directors at such time and place as the stockholders at their first meeting shall determine, or as the by-laws of the corporation may require, and the directors chosen at any election shall, so soon thereafter as may be convenient, choose one of their number to be president, and shall appoint a secretary and treasurer of the corporation; the directors, before entering on their duties, shall each take an oath faithfully to discharge his duties, and they shall, from time to time, make such dividends of the profits of said company as they may think proper.

SECTION 8. If such railroad company shall not be organized within three years from the passage of the special act incorporating the same, and not less than ten miles of such road be completed sufficiently for use within seven years from the same date, then the act creating the same shall be void.

SECTION 9. Such corporation is authorized to enter upon any land for the purpose of examining and surveying its railroad line, and may appropriate so much thereof as may be deemed necessary for its railroad, including necessary side tracks, depots, work shops, and water stations, materials for construction, except timber, a right of way over adjacent lands sufficient to enable such company to construct and repair its road, and a right to conduct water by aqueducts, and the right of making proper drains; the corporation shall forthwith deposit with the clerk of the court of common pleas or other court of record of the county where the land lies, a description of the rights and interests intended to be appropriated, and such lands, rights and interests shall belong to said company to use for the purpose specified on making payment or giving security as is hereafter provided; the corporation may by its directors, purchase any such lands, materials, right of way, or interest of the owners of such land, or in case the same is owned by a person insane or an infant, at a price to be agreed upon by the regularly constituted guardian or parent of such insane person or infant if the same shall be approved by the court in which the description aforesaid shall be filed, and on such agreement and approval, the owner, guardian, or parent, as

the case may be, shall convey the said premises so purchased in fee simple or otherwise, as the parties may agree, to such railroad company, and the deed when made shall be deemed valid in law; if the corporation shall not agree with the owner of the land or with his guardian, if the owner is incapable of contracting, touching the damages sustained by such appropriation, such corporation shall deliver to such owner or guardian, if within the county, a copy of such instrument of appropriation; if the owner or his guardian, in case such owner is incapable of contracting, be unknown, or do not reside within the county, such corporation shall publish in some newspaper of general circulation in the county, for the term of three weeks, an advertisement reciting the substance of such instrument of appropriation; upon filing such act of appropriation and delivery of such copy, or making such publication, the court of common pleas or other court of record of the county where the land lies, or any judge thereof in vacation, upon application of either party, shall appoint by warrant three disinterested freeholders of such county to appraise the damages which the owner of the land may sustain by such appropriation; such appraisers shall be duly sworn, they shall consider the benefit as well as the injury which such owner shall sustain by reason of such railroad, and shall forthwith return their assessment of damages to the clerk of said court, setting forth the value of the property taken or damage done to the property, the amount of benefit conferred, and the difference between the value of or damage done to the property taken, which they assess to such owner or owners separately, to be by him filed and recorded, and thereupon such corporation shall pay to said clerk the amount thus assessed, or secure the payment to the satisfaction of such court or of the judge issuing the warrant, and on making payment or tender thereof to said clerk, or on giving such security as may be required, it shall be lawful for such corporation to hold the interests in such lands or materials thus appropriated, and the privilege of using any materials on said roadway within fifty feet on each side of the centre of such roadway for the uses aforesaid, the costs of such award shall be paid by such company, and on motion by any party interested and showing said proceedings, the court may order payment thereof and enforce such payment by execution; the award of such arbitrators may be reviewed by the court of common pleas, or other court in which proceedings may be had, on written exception filed by either party in the clerk's office within ten days after the filing of such award, and the court shall take such order therein as right and justice may require, by ordering a new appraisement on good cause shown: *Provided*, That notwithstanding such appeal said company may take possession of the property described as aforesaid, and the subsequent proceedings on the appeal shall only effect the amount of compensation to be allowed; if prior to the assessment the incorporation shall tender to such owner or his guardian, if he be unable to contract, an amount equal to the award afterwards made, exclusive of costs, the costs of arbitration shall be paid equally by such company and such owner or guardian.

SECTION 10. That whenever any railroad company heretofore incorporated, or which may be hereafter incorporated, shall find it necessary, for the purpose of avoiding annoyance to public travel or dangerous or difficult curves or grades, or unsafe or unsubstantial grounds or foundations, or for other reasonable causes, to change the location or grade of any portions of their road, whether heretofore made or hereafter to be made, such railroad companies shall be, and is hereby authorized to make such changes of grade and location, not departing from the points and general route prescribed in the charter of such company, and for

the purpose of making any such change in the location and grade of any such road as aforesaid, such company shall have all the rights, powers, and privileges to enter upon and take and appropriate such lands and make surveys necessary to effect such changes and grades upon the same terms and be subject to the same obligations, rules, and regulations as are prescribed in the ninth section of this act, and shall, also, be liable in damages when any have been caused by such change to the owner or owners of the lands upon which road was therefore located, to be ascertained and reserved as aforesaid, but no damages shall be allowed unless claimed within thirty days after actual notice of such intended change shall be given to such owner or owners if residing on the premises, or notice by publication in some newspaper in general circulation in the county, if non-resident: *Provided, however,* That no such change of the location of the road be made unless approved by the board of public works; and to enable the board of public works to act understandingly upon all such subjects, the said board of public works be, and is hereby directed to appoint, on the application of any railroad company desiring such change, a competent engineer of the railroad to examine the proposed new route and report the facts to the board of public works: *Provided,* That nothing contained in this act shall be so construed as to give to the Little Miami railroad company any power to re-locate said railroad south of its present location within the corporate limits of the town of Fulton, in Hamilton county, unless such change shall be approved by the board of public works.

SECTION 11. If it shall be necessary, in the location of any part of any railroad to occupy any road, street, alley, or public way or ground of any kind, or any part thereof, it shall be competent for the municipal or other corporation, or public officers or public authorities owning or having charge thereof, and the railroad company to agree upon the manner, and upon the terms and conditions upon which the same may be used or occupied, and if said parties shall be unable to agree thereon, and it shall be necessary, in the judgment of the directors of such railroad company, to use or occupy such road, street, alley, or other public way or ground, such company may apply to the court of common pleas of the county in which the same is situate, setting forth the aforesaid facts, and said court shall thereupon appoint at least three judicious and disinterested freeholders of the county, who shall proceed to determine whether such occupation is necessary, and if necessary, the manner and terms upon which the same shall be used, and make return of their doings in the premises to said courts, who shall, if they deem the same just and proper, make the necessary order to carry the same into effect, or they may order a review of the same, as such court may consider justice and the public interest require.

SECTION 12. Such corporation may demand and receive for the transportation of passengers on said road, not exceeding three and one-half cents per mile, and for the transportation of property not exceeding five cents per ton per mile, when the same are transported a distance of thirty miles or more, and in case the same are transported for a less distance than thirty miles, such reasonable rate as may be from time to time fixed by said company; at any time after the expiration of ten years from the time any such road may be put in operation, it shall be lawful for the General Assembly to prescribe the rates to be charged for the transportation of persons or property upon said road should they be deemed too high, and may exercise the same power ten years thereafter: *Provided,* That no reduction shall be made unless the net profits of the company on an average for the previous ten years shall amount to a

sum equal to ten per centum per annum upon its capital, and then not so as to reduce the future probable profits below the said per centum.

SECTION 13. Such company shall have power to borrow money on the credit of the corporation not exceeding its authorized capital stock, at a rate of interest not exceeding seven per centum per annum, and may execute bonds or promissory notes therefor, and to secure the payment thereof may pledge the property and income of such company: *Provided*, That the value and security of any liens, mortgage, or the stock held in or against such company by the State or the city of Cincinnati shall not thereby be injured or otherwise impaired.

SECTION 14. Such company may acquire by purchase or gift, any lands in the vicinity of said road, or through which the same may pass, so far as may be deemed convenient or necessary by said company to secure the right of way or such as may be granted to aid in the construction of such road, or be given by way of subscription to the capital stock, and the same to hold or convey in such manner as the directors may prescribe, and all deeds and conveyances made by such company shall be signed by the president, under the seal of the corporation, and any existing railroad corporation may accept the provisions of this section, the five preceding sections of this act, or either of them, and after such acceptance all conflicting provisions of their respective charters shall be null and void.

SECTION 15. It shall be lawful for such corporation whenever it may be necessary in the construction of such road, to cross any road or stream of water, or to divert the same from its present location or bed, but said corporation shall, without unnecessary delay, place such road or stream in such condition as not to impair its former usefulness.

SECTION 16. Such corporation shall, as soon as convenient after its organization, establish a principal office at some point on the line of its road, and change the same at pleasure, giving public notice in some newspaper of such establishment or change, and all process against said company shall be served on the president or secretary, or by leaving a copy at the principal office of the corporation.

SECTION 17. The right is hereby reserved to the General Assembly to provide for taxing such companies by any other mode than that now authorized by the provisions of the act levying taxes on all property of the State according to its true value, but not so as to require any such company or the stockholders thereof, on account of the stock owned by them, to pay any greater rate of taxes for the time being than the general average of taxation for all purposes on other property of equal value in those counties through which such road may pass, or within the limits of which the same may be located, and any existing railroad company may accept the provisions of this section and thereafter be liable to taxation as provided by the act levying taxes aforesaid, subject to the right of the General Assembly herein reserved: *And provided also*, That any existing railroad company accepting any of the provisions of this act shall thereafter be subject to the taxation herein provided, subject to the right herein reserved.

SECTION 18. Every company organized under this act shall be required to erect at all points where their road shall cross any public road, at a sufficient elevation from such public road to admit of the free passage of vehicles of every kind, a sign with large and distinct letters placed thereon to give notice of the proximity of the railroad and warn persons of the necessity of looking out for the cars, and any company neglecting or refusing to erect such sign shall be liable in damages for all injuries occurring to persons or property from such neglect or refusal.

SECTION 19. That if at any time any dispute shall arise between any company incorporated under this act and the Post Master General as to the price of transporting the mails, the Governor shall have power to adjust the same by arbitration, but nothing contained herein shall be so construed as to interfere with the right of such company to fix the times of arrival and departure of their trains, or to change any general regulation of the company.

SECTION 20. That each and every railroad company incorporated under this act shall annually in the month of January, make a full report of the condition of its affairs to the Auditor of the State, showing the amount of the capital stock of such company, the gross amount of tolls or receipts during the previous year, the cost of repairs and incidental expenses, the net amount of profits, and the dividends made, with such other facts as may be necessary to a full statement of the affairs and condition of such road, and the auditor shall annually present an abstract copy of such report to the General Assembly.

SECTION 21. The width of the track or guage of all roads under this act shall be four feet ten inches between the rails.

SECTION 22. It shall be lawful for the directors of any railroad company semi-annually to compute, allow, and pay to its stockholders interest at the rate of six per centum per annum on all moneys theretofore paid as capital stock, to be set apart and paid in stock or cash as the directors may determine: *Provided*, That they shall not allow or pay any interest in cash to stockholders while any debt of such railroad company for labor or materials shall be due and unpaid: *And provided further*, That the capital stock shall in no case be reduced by such payment of interest, and any railroad company may establish a principal office in the manner and for the purpose named in the sixteenth section of this act.

JOSEPH S. HAWKINS,

Speaker of the House of Representatives.

CHARLES B. GODDARD,

Speaker of the Senate.

February 11, 1848.

AN ACT

To incorporate the Cleveland and Mahoning railroad company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That John W. Allen, John M. Woolsey, Richard Hilliard, Henry B. Payne, Josiah A. Haines, Philo Scoville, Noah Graves, and Royal Taylor, of the county of Cuyahoga, Charles Smith, Frederick Kinsman, Matthew Birchard, Leicester King, Thomas J. M'Lain, Jacob Perkins, Samuel Quinby, and John F. Beaver, of the county of Trumbull, Henry Manning, Henry Wick, Robert W. Taylor, Ashael Medbury, David Tod, and James Woods, of the county of Mahoning, and their successors and assigns, are hereby created a body corporate, with perpetual succession, by the name of the Cleveland and Mahoning railroad company, with authority to construct a railroad from some point in Cleveland, in the county of Cuyahoga, to some point in or near the village of Warren, in the county of Trumbull, with the right, at their discretion, of continuing it easterly to the east line of the State, with power to connect with any railroad in this State running in the same direction, or with any railroad incorporated by the State of Pennsyl-

vania, and to continue their road into the State of Pennsylvania to any point authorized by the General Assembly of said State.

SECTION 2. The capital stock of said company may consist of any amount not exceeding fifteen hundred thousand dollars, with power to increase the capital at any regular meeting of the stockholders of said company to such an amount as may be necessary to complete said road: *Provided*, The stockholders owning a majority of the stock in said company shall vote for the said increase.

SECTION 3. Said company shall have all the powers and be subject to all the restrictions and provisions of the act regulating railroad companies, passed February eleventh, one thousand eight hundred and forty-eight.

JOSEPH S. HAWKINS,
Speaker of the House of Representatives.

CHARLES B. GODDARD,
Speaker of the Senate.

February 22, 1848.

AN ACT

To amend an act entitled "An Act to incorporate the Cleveland and Mahoning railroad company."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "An Act to incorporate the Cleveland and Mahoning railroad company," passed February twenty-two, one thousand eight hundred and forty-eight, be, and the same is hereby so amended that all of the provisions of said act shall continue in force for the same period from and after the first day of January, Anno Domini, one thousand eight hundred and fifty-one, and shall have the same operation and effect as if said act had been passed on the said first day of January, Anno Domini, one thousand eight hundred and fifty-one, anything contained in any other law to the contrary notwithstanding.

JOHN F. MORSE,
Speaker of the House of Representatives.

CHARLES C. CONVERS,
Speaker of the Senate.

March 21, 1851.

OFFICE OF THE SECRETARY OF STATE, }
Columbus, Ohio, December 28, 1852. }

I, William Trevitt, the Secretary of State of the State aforesaid, do hereby certify that the annexed and foregoing laws are truly taken and copied from the original rolls remaining on file in said office.

[L. S.] In witness whereof I hereunto place my signature and affix the great seal of the State of Ohio, at the city of Columbus, this twenty-eighth day of December, Anno Domini, eighteen hundred and fifty-two.

WILLIAM TREVITT,
Secretary of State.

No. 60.

AN ACT

Authorizing the Governor to incorporate the West Chester and Great Valley plank road company; relative to the West Chester gas company; to taxing dogs in Valley township, Chester county, and to fix the place of holding elections in said township; authorizing the sale of certain real estate in the borough of West Chester; and to authorize the sale of real estate of John Morton Davis.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Jonathan C. Baldwin, George Thomas, John Roberts, Pierce Hoopes, John W. Townsend, Jacob Zook, J. Lacey Darlington, Richard M. Thomas, Peter Boyers, Abraham Ashbridge, Walter Hibbard, J. Smith Futhy, Wilmer Worthington, Caleb Brinton, junior, George Hoffman, Wm. W. Downing, John Beitler, Mordecai Lee, Wm. H. Wilson, Thomas S. Downing, Abner Garret, Robert Hoopes, and Alexander Marshall be, and they are hereby appointed commissioners to open books and receive subscriptions and organize a company by the name, style and title of "The West Chester and Great Valley plank road company," with power to construct a plank road from the Philadelphia and Lancaster turnpike at or near the twenty-seven mile stone, by way of Oakland, to the borough of West Chester by the nearest and best route or routes, as the stockholders may determine upon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January one thousand eight hundred and forty-nine, excepting that portion of the thirteenth section of said act relating to tolls which discriminate in favor of wheels of the breadth of four inches and upward, and the corporation hereby incorporated shall have power to regulate their tolls within the limits prescribed by the the said thirteenth section without reference to width of wheels in any case.

Style.

Subject to the provisions of certain act.

Capital stock. SECTION 2. That the capital stock of said company shall consist of one thousand shares at twenty-five dollars per share: *Provided*, That said company may from time to time by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road or roads and to carry out the true intent and meaning of this act.

Proviso.

Commencement and completion of road. SECTION 3. That if the said company shall not commence the construction of their road within two years after the granting of this charter and complete the same within five years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

Gates and toll. SECTION 4. That whenever the said company shall have finished the said road, notwithstanding its length may be less than five miles, the same proceedings may be had to enable the company to erect and fix gates upon and across the same and collect tolls, as is provided in the aforesaid act of Assembly in relation to any completed five miles of a turnpike road.

West Chester gas co. to in- SECTION 5. That the West Chester gas company may increase their capital stock to any amount not exceeding in the whole four thousand

shares of twenty-five dollars each, whenever it shall in the judgment of the president and managers be expedient so to do. crease capital stock.

SECTION 6. That the general election in the new township of Valley, Valley tp., in the county of Chester, shall be held at the public school house in Chester co. the village of Coatesville.

SECTION 7. That the provisions of the first, second, third, fourth, Provisions of fifth, sixth and seventh sections of the act entitled "An Act laying a certain act ex- tax on dogs in the borough of West Chester and certain townships, in tended to Valley the county of Chester, and for other purposes," approved the four- tp., Chester co.teenth day of April, Anno Domini, one thousand eight hundred and forty-six, be, and are hereby extended to the new township of Valley, in said county.

SECTION 8. That John N. Neuman, bishop of Philadelphia, or Bishop of Phila- his delphia to sell successor in office, be, and the same is hereby authorized and empowered to sell altogether or in such parts as he may deem advisable at public certain real es- sale, and to convey in fee simple discharged of every trust, and to tate. make and execute to the purchaser or purchasers thereof a good and sufficient conveyance and assurance in law without any obligation on the part of the purchaser or purchasers to see the application of the purchase money, a certain lot or piece of ground situate in the borough of West Chester, county of Chester, bounded and described as follows, on the east by Matlock street; on the south by Lafayette street; on the west and north by land of Paschall Morris, being two hundred and twenty feet in front on Lafayette street and extending back at right angles therewith to the line of Paschall Morris' land, containing about four thousand seven hundred and eighteen square feet, being the same piece of ground conveyed (deed recorded in the recorder's office of Chester county, in deed book X four, volume ninety-five, page two hundred and nine, on the twenty-fifth day of January, Anno Domini, one thousand eight hundred and forty three) by John Townsend and Sibilla his wife, to the Right Reverend Francis Patrick Kenrick, bishop of Arath and coadjutor of the Roman Catholic church of Philadelphia, and his successors in the diocese of Philadelphia under his superiors in trust to, and for the sole and separate use of the Roman Catholic congregation of the borough of West Chester and its vicinity, for a burying ground and for building a Roman Catholic church and the necessary buildings thereunto belonging, and for no other use whatsoever.

SECTION 9. That the proceeds arising from the said sale shall be Application of applied by the said John N. Neuman, bishop et cetera, he, or his succe- proceeds. sors in office, to the use of the said Roman Catholic congregation of the borough of West Chester and its vicinity for the building and finishing of the Roman Catholic church and the necessary buildings thereunto belonging, on Gay street in said borough.

WHEREAS, John Morton Davis, late of Chester county, was at the Preamble. time of his death seized of certain real estate, in Crawford county, part of which had been contracted to be sold by James Cochran his attorney in fact before his death, part after his death but before said attorney was aware of his death, and a small part remains unsold, and the purchasers of the parts so agreed to be sold have paid part or all of the purchase money and received possession, and it is the desire of all the heirs, of the said John Morton Davis, to carry out the said contracts in good faith and to dispose of the real estate, in Crawford county, remaining unsold; therefore,

SECTION 10 That Adam Siter, guardian of John Morton Davis, Real estate of Isaac Henry Davis and Anna Maria Davis, minor children of John John M. Davis. Morton Davis, late of Chester county, deceased, be, and he is hereby

authorized, in conjunction with the other heirs of said John Morton Davis, deceased, to confirm and validate the sales made by James Cochran as attorney in fact of John Morton Davis, of any portion of the real estate of John Morton Davis, lying within the bounds of Crawford county, Pennsylvania, to those persons with whom contracts have been made according to the terms of said contracts, and to make full and complete titles therefor and to receive all money due thereon, and they are hereby authorized to sell at public or private sale all of the estate and interest of the said minors in all the real estate of which their father died seized, lying in the county of Crawford aforesaid, not disposed of by the said James Cochran: *Provided*, That the said Adam Siter shall first give bond in such sum and with such surety as the orphans' court of Chester county shall approve, conditioned for the faithful application of the proceeds of sale to the use and benefit of the said minors, and that the orphans' court of the county in which the land lies, shall approve of and confirm the said sale or sales.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twelfth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 61.

SUPPLEMENT

To the act of the nineteenth April, Anno Domini, one thousand eight hundred and fifty, entitled "An Act to unite and consolidate Marshall college with Franklin college, et cetera, and relative to the estate of John Sergeant, deceased."

Preamble.

WHEREAS, It is provided among other things, by the sixteenth section of the act to which this is a supplement, that the proper and competent authorities of the Diognothian and Gœthian literary societies of Marshall college shall be parties to a conveyance to William M'Kinstry, Thomas Creigh, and others therein named, of certain real estate in Mercersburg, Franklin county:

And whereas, Said Diognothian and Gœthian literary societies have no proper and competent authorities capable in law to make said conveyance, and have no transferable interest in said real estate; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That a conveyance, or offer to convey said real estate as provided in said sixteenth section of said act of nineteenth April, Anno Domini, one thousand

Conveyances
rendered valid.

eight hundred and fifty, by the trustees of Marshall college to William M'Kinstry, Thomas Creigh, and the other persons therein named, shall be deemed and taken a sufficient compliance with the requirements of said section as to the conveyance of said real estate, and a conveyance or offer to convey, as therein provided by the literary societies aforesaid, shall not be deemed necessary, and is hereby dispensed with.

SECTION 2. That nothing in the act to which this is a supplement contained, or that has or may be done in pursuance thereof, shall prevent the trustees and faculty of Marshall college from continuing the same in operation till the annual commencement of one thousand eight hundred and fifty-three, and conferring degrees at said annual commencement. Continuance of college.

SECTION 3. That the trustees for the time of any trust created by the last will and testament of John Sergeant, late of the city of Philadelphia, deceased, be, and they are hereby authorized and empowered to assent to any partition of the real and personal estates of the said testator, or either of the said estates, which the said trustees may respectively judge proper and right, and on such partition they may take and hold undivided interests in any part of the said real estate, and may take and hold so long as they shall judge proper, any of the present investments of the said personal estate. Real estate of John Sergeant.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—the twelfth day of February, A. D , one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 62.

AN ACT

To incorporate the Kensington and Frankford plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Levi Foulkrod, Joseph Deal, Wm. J. Crans, Isaac W. Norris, John W. Kester, Michael Bouvier, Mahlon Gillingham, Jeremiah Vanbrunt, Emanuel Peters, William Heiss, Daniel M. Fox, Richardson L. Wright, Thomas Goodwin, John Kessler, James Flanagan, Wm. H. Witte, Charles H. Garden, R. W. Evans, R. D. Fell, Thomas Wriggins, John McEntyre, Edward Waln, William Cooper, Minor Rodgers, Joseph D. Thornton, John Chipman, James Martin, Hugh Clark, John Deal, Walter Knight, A. K. Colhoun, John M'Mullen, and Peter Rambo, or any six of them, be, and they are hereby appointed commissioners to open books and receive subscriptions, and organize a company by the name and style of "the Kensington and Frankford plank road com- Commissioners. Style.

Location of
road.

Proviso.

Proviso.

Commissioners
to ascertain
actual cost of
road.

Exceptions may
be filed.

Duties of court.

Proviso.

Failure to pay
the amount
payable

pany," with power to construct a plank road of two ways of eight feet each, commencing at the northern boundary line of the district of Kensington, in Philadelphia county, thence north-easterly along the line of the said Frankford avenue to Nicetown lane, the southern boundary of Frankford borough, the capital stock of which said company shall consist of one thousand shares of twenty dollars each: *Provided*, That the county of Philadelphia shall not be liable for any damages on account of the opening of said avenue for the use of the plank road company: *And provided further*, That whenever hereafter any incorporated district through which this road may pass, shall deem it necessary to curb and pave the said Frankford or Aramingo avenue, the commissioners of such district shall have full power and authority to remove the planks from said road as far as it may be necessary to enable them to curb and pave said avenue, but no further.

SECTION 2. That after said plank road or any part of it exceeding one mile in length, shall have been finished, on the application of said company or any one of the stockholders thereof, or any person owning property along the line thereof, the court of common pleas shall appoint commissioners, whose duty it shall be to ascertain and report to the said court the actual cost of said road, including culverts and grading, and all proper expenditures incurred by said company, with interest to the time of making such report, and the residue also, the names of all the owners of property along the line thereof, together with a plot or plan showing the extent of the front of each property on the said avenue; said commissioners shall give such public notice of his appointment and the report filed by him as the said court shall direct, the expenses of all of which shall be paid by said company.

SECTION 3. That any person interested either in the stock of the said company or in any property along the line of the said avenue may file exceptions to said report within thirty days after it is made, whereupon the said court shall make such order as may be necessary in order that the cost of said plank road and the names of all the owners of property shall correctly appear upon record.

SECTION 4. That whenever at any time within four months after said report shall have been finally confirmed for want of exceptions filed as aforesaid, or after final order made by said court on said exceptions, a majority of the owners of property ascertained as aforesaid shall file with the prothonotary of said court their written agreement that the expense of the said plank road shall be assessed against and be a charge upon the property along the line thereof, the said court shall make an order or decree declaring the said plank road to be a public and free highway, whereupon all right of said company to charge toll thereon or therefor shall forever cease, and the said company shall thereupon have a right to collect from the owners of property along the line of said road the cost of the construction of said plank road, as ascertained as aforesaid with interest in proportion to the extent of their respective fronts on the said road: *Provided*, That said assessments or any part thereof may be paid either by surrendering to the company their own stock to be cancelled, which stock shall be received in full to an amount equal to the amount subscribed thereon, or by assigning or releasing to said company any debt or liability due by them.

SECTION 5. That if any owner or owners of property along the line of road so declared a public highway, shall fail to pay the amount payable by him or them within three months after such order or decree shall have been made as aforesaid, the said company within three months thereafter may file in the office of the prothonotary of the court, in said

county, having jurisdiction of claims of like amount, a claim or claims against each and every property as divided by the report of the commissioners, setting forth the name of the owner as ascertained by such commissioners, the extent of the front and the amount of the claim, which said claim or claims shall be a lien on the lot or tract of ground fronting on the road as aforesaid, the extent and description whereof may afterward be ascertained on the application of any party interested, in the same manner as by the fifth and following sections of the act of Assembly entitled "An Act relating to the lien of mechanics and others upon buildings," it is provided that the extent and description of lots, subject to mechanics' liens, may in certain cases be ascertained on what said liens, writs of scire facias may issue, and other proceedings had for the enforcement thereof, with interest and costs of suit, similar to the proceedings by which mechanics' liens are now enforced in the county of Philadelphia, aforesaid: *Provided*, That in every case of a lien filed as aforesaid, the said company shall have a right to collect the further sum of five per cent. on the amount of such claims. Proviso.

SECTION 6. That after the next meeting of officers and at each subsequent election, after the said road shall have been declared a free public road as aforesaid, the president and other officers of the company and two managers of the same shall be chosen by the property owners, each person interested in any property on which the assessment aforesaid shall have been previously paid, being entitled to one vote, and the expense of keeping up said road shall devolve on the municipal authorities of the districts, townships and boroughs respectively, that is to say, the said company shall cause all necessary repairs to be done, and shall have a right at the end of each year to recover from each of the said municipal bodies, the proportion of the expense of keeping in good order and repair the part of the road within their jurisdictions respectively: *Provided always*, That if the company shall at any time neglect to keep said road or any part thereof in good repair, it shall be lawful for and the duty of said municipal bodies respectively to do so: *Provided*, That if said road is not made a free road under the provisions of this act within a year after it shall have been constructed, the county of Philadelphia shall at all times have the right to make it free by refunding or paying to such company the amount of the cost of said road and the repair thereof with legal interest. Officers, how chosen. Proviso. Proviso.

SECTION 7. That said company shall select a competent engineer or surveyor to fix the grades of said road, which grades shall be submitted to the court of quarter sessions of the county for confirmation and approval, which such grades shall be permanently fixed, subject, nevertheless, to the restrictions of the act, et cetera, passed January twenty-six, one thousand eight hundred and forty-nine. Engineer to be selected.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED--The fifteenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 63.

AN ACT

To incorporate the Mount Zion church, at Churchtown, in Cumberland county.

Corporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the Lutheran and German Reformed church, formerly called Christ's church, and now known by the name of Mount Zion, at Churchtown, in the county of Cumberland, be, and the same are hereby created and erected into one body politic and corporate, in deed and in law, by the name, style and title of the Mount Zion church, at Churchtown, in Cumberland county, and by the same name shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, and shall be able and capable to take and hold lands and tenements, goods and chattels, real, personal, and mixed, which are now or may hereafter become the property of said congregation or body corporate, by gift, grant, devise, bequest, or otherwise, and the same to convey, lay out, apply, or dispose of in such manner as the trustees of the said congregation shall direct and appoint, and according to the true intent of the donors, grantors, and divisors, and the yearly value or income of the real, personal, or mixed estate of said congregation shall not exceed in value at any time the sum of five thousand dollars, exclusive of annual contributions.

Style.

Privileges.

Trustees.

SECTION 2. That Michael G. Belts Hoover, Joseph Brandt, and Jacob Moviet, members of the Lutheran, and Enoch Young, Peter Stumbaugh, and Henry Euck, members of the German Reformed side of said church, be trustees to continue in office for one year, and until others be chosen in such manner, time, and place as shall be determined by a majority of the members of said church.

Officers.

SECTION 3. That the trustees shall choose by ballot from among their members a president, also, from the members of said church a secretary; and in case of the removal of the president or any of the trustees, or of any other officers of the board of trustees, by death, resignation, neglections to attend the meetings of said board twice in succession, without good cause or otherwise, the vacancy or vacancies shall be supplied by said board until the next annual election.

Treasurer.

SECTION 4. That the members of said church shall choose by ballot at each annual election for trustees from among their number; a treasurer, who is a member of said church, and who shall, if required by the trustees, give security for the faithful performance of the trust reposed in him, and to account to the said trustees for all sums of money received by him.

Seal.

SECTION 5. That the trustees and their successors shall have power to make and to use one common seal, and the same to alter and revise at pleasure, to enact and enforce such laws and ordinances as may be necessary and proper for the regulation and transaction of the business of the corporation, to change the time for holding the annual meeting for electing trustees from time to time as they may find convenient, or if the congregation neglect to elect on the day of the annual meeting appoint any subsequent time on which said election shall be held: *Pro-*

Proviso.

vided, That notice thereof shall be given from the pulpit, or in such other manner as a majority of the trustees may direct, at least two weeks before said election: *And provided, also*, That said by-laws and ordinances shall not be inconsistent with the Constitution or laws of this State or of the United States. Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 64.

A FURTHER SUPPLEMENT

To the act of Assembly relative to the Waynesboro', Greencastle and Mercersburg turnpike road company; regulating certain election districts; and legitimating Mary Catharine Willock, of Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the president and managers of the Waynesboro', Greencastle, and Mercersburg Company to turnpike road company, in the counties of Fulton, Franklin, and Adams, be, and they are hereby authorized to make, keep in order, and repair their road, of stone, gravel, or other hard material, of the width of sixteen feet instead of twenty feet, as required by their act of incorporation. keep road in repair.

SECTION 2. That after the passage of this act the qualified voters of Sandy Creek township, Mercer county, shall hold their general and township elections at the North school house, in the borough of Sheakleyville, in said county. tp., Mercer co.

SECTION 3. That hereafter the township and general elections shall be held in Pleasant Hill school house, near Joseph Nelson's, in Dublin township, Huntingdon county. Dublin tp., Huntingdon co.

SECTION 4. That Mary Catharine Willock, daughter of John Willock, of the city of Pittsburg, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if she had been born in lawful wedlock. Mary Catherine legitimated.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 65.

AN ACT

To authorize the Canal Commissioners to examine the claims of John Weaver for damages sustained on the Allegheny Portage railroad at plane number two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Canal Commissioners be, and they are hereby authorized and directed to examine the claim of John Weaver, of Indiana county, for damages sustained by him in consequence of the destruction of a section boat and goods on the Allegheny Portage railroad at plane number two, and if they shall ascertain that the damages alleged were occasioned by the carelessness or misconduct on the part of any State agent, they shall assess the same and report the amount to the Legislature: Provided, That no damages shall be allowed except for the actual injury done to the boat and cargo, and no item of damage shall be allowed unless the amount of the actual loss, deducting the value of the wreck and damaged goods, shall be clearly established by affidavit.*

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 66.

A SUPPLEMENT

To an act entitled "An Act to incorporate the State mutual fire insurance company of Harrisburg, Pennsylvania."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the State mutual fire insurance company shall hereafter be known as the State mutual fire and marine insurance company of Pennsylvania, and by that name shall have perpetual succession, and shall have power and lawful authority to insure all kinds of property against loss or damage by fire,*

or any cause or risk, to make all kinds of insurance against loss or damage of goods, merchandize, or other property in the course of transportation by land, water, or otherwise, and on any vessel or boat, or other water craft, and to cause themselves to be insured against any loss, damage, or risk in the course of their business.

SECTION 2. That by a vote of a majority of the board of directors of Capital stock. said company, the secretary may be authorized to raise by subscription a capital stock of not less than one hundred thousand dollars, nor exceeding three hundred thousand dollars, to be divided into shares of one hundred dollars each, and there shall be paid into the treasury of said corporation by each subscriber to said stock at the time of subscribing, an instalment of not less than five dollars on each share by him, her, or them so subscribed, and the remaining sum due on each share shall be paid in such instalments and at such times as the directors shall deem necessary to be paid within thirty days after notice of the same by the directors; and should any of the stockholders neglect or refuse to pay any such instalments after notice as aforesaid, the amount previously paid on said stock shall become forfeited to the company, and said stock may be sold by the directors to any person for such price as can be obtained for the same, and the directors may proceed, at their option, to collect from such delinquent stockholder the amount of each instalment; the directors shall have power to require security on all stock subscribed and not paid in, if they deem it expedient for the safety of the company: *And provided*, That each stockholder shall be entitled to one vote at the election of officers of said company on each and every share of stock held by him, her or them. Proviso.

SECTION 3. That the said State mutual fire and marine insurance com- Perpetual or
pany of Pennsylvania, shall have power to effect perpetual or other other insuranc-
insurances under said capital stock without the parties so insured be- ces.
coming members of said company or participating in the profits if any arising therefrom, or becoming liable for losses beyond the amount of premiums paid, the profits arising from such insurances shall be divided to the stockholders as the directors shall deem expedient.

SECTION 4. That the shares of the said stock shall be assignable and Shares of stock
transferable only on the books of the company, according to such rules assignable.
and regulations as the directors shall for that purpose ordain and establish, and not otherwise.

SECTION 5. That it shall be lawful for said company to employ and Investment of
invest their capital stock and other moneys in bonds and mortgages on capital stock.
real estate in respondentary bottomry ground rents, stocks, or loans of the United States and State of Pennsylvania, and in stocks or loans of any borough, city, or institution incorporated by the laws of this State, and in other good securities, and to sell and transfer the same, and to re-invest the proceeds of such sale or transfer in other loans, stocks, or securities, and said company may purchase and hold such real estate as may be necessary to accommodate them in the transaction of the business thereof, and to sell, assign, and convey the same in fee simple or otherwise: *Provided*, That said corporation shall not exercise any banking privilege or issue any certificate or other paper to be circulated as bank paper.

SECTION 6. That the said company shall annually on the first day Settlement of
of June, publish for four weeks in one newspaper in Harrisburg, one business to be
newspaper in the city of Philadelphia, and one newspaper in the city published.
of Pittsburg, a statement of the business of the company on both the mutual and stock principle, showing the amount of premiums and interest received and amount of payments of all kinds, in which shall be embraced a balance sheet of the then condition of the company.

Reservation.

SECTION 7. That the Legislature hereby reserves the power to alter, amend, or repeal this act, in such way, however, as that no injustice shall be done to the corporators or others interested.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 67.

AN ACT

To incorporate the Green Tree and Christiana turnpike road company; to sell a certain school house, in Lancaster county; to authorize the county commissioners of said county to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Joseph D. Pownall, Micah Whitson, Joseph McClure, William P. Cooper, Samuel Slocum, James Jackson, William L. Rakestraw, John Allen, Elijah Lewis, George Whitson, Joseph M. Thompson, Horatio S. Kerns, Joseph C. Dickenson, or any five of them, be, and they are hereby appointed commissioners to open books and receive subscriptions and organize a company by the name, style and title of the

Style. "Green Tree and Christiana turnpike road company," with power to construct a turnpike road from the Green Tree tavern in Bart township, in the county of Lancaster, by the nearest and best route to the Philadelphia and Columbia railroad at Christiana, in said county, subject to the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the several supplements thereto.

Subject to provisions of certain act.

Capital stock. SECTION 2. That the capital stock of said company shall consist of four hundred shares at twenty-five dollars each, and by a vote of the stockholders called for the purpose, to increase the same to eight hundred shares if the same shall be deemed necessary to carry into effect the true intent and meaning of this act.

Commencement and completion of road. SECTION 3. That if the said corporation shall not commence the construction of said road within two years from the passage of this act, and complete the same within ten years from the passage of the same, this act shall be null and void, except so far as the same shall be necessary to close and settle the affairs of said company: *Provided,* That when two or more miles of said road shall be completed and approved of, as provided by the general act and the supplement thereto, the said corporation shall be authorized to receive toll therefor.

Penalty.

SECTION 4. That Benjamin Hartman and Peter L. Grosh trustees School house in
for the owners of a certain school house and lot of ground in the vil- Mechanicsville,
lage of Mechanicsville, East Hempfield township, Lancaster county, Lancaster co.,
adjoining lands of Jacob Lefever, Henry M. Bear and the plank road, to be sold.
be, and they are hereby authorized and empowered to sell the same,
and with the proceeds thereof erect another school house in a more
convenient location, for the same purposes and uses as the original
building hereby authorized to be sold.

SECTION 5. That the commissioners of Lancaster county, are hereby Commissioners
authorized to borrow money from time to time on the credit of said of Lancaster
county, for the purpose of erecting a new court house and to bind the county to bor-
row money.
said county for the payment thereof: *Provided*, That the aggregate of
such loans outstanding and unpaid shall not exceed sixty thousand
dollars, and that no bonds shall be issued for a less sum than one
hundred dollars.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight
hundred and fifty-three.

WM. BIGLER.

No. 68.

A N A C T

To confer on Kate Eliza Clark, of Washington county, the rights, privileges,
and advantages of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Represen-
tatives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same, that*
Kate Eliza Clark, of Robinson township, in the county of Washington,
an illegitimate child of James Murray Clark and Margaret A. Clark,
who were intermarried after the birth of their said child, shall have
and enjoy all the rights and privileges, benefits and advantages of a
legitimate child of the said James Murray Clark and Margaret A.
Clark, born in lawful wedlock, and shall be able and capable in law to
inherit and transmit any estate whatsoever as fully and completely to
all intents and purposes as if she had been the legitimate child of the
said James Murray Clark and Margaret A. Clark, born in lawful
wedlock.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight
hundred and fifty-three.

No. 69.

AN ACT

Authorizing the Governor to incorporate the Germantown and Branchtown turnpike and plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners. Spencer Shoemaker, Jacob Rorer, Spencer Roberts, Charles H. Shoemaker, Wyndham Stokes, Robert H. Thomas, John W. Boyer, Robert Thomas, and Bennett Medary, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title of "The Germantown and Branchtown turnpike and plank road company," with the power to construct a plank road or turnpike road, or each, in part, from Main street, in the borough of Germantown, in the county of Philadelphia, where the same is intersected by Mill street, thence along said Mill street by Spencer Roberts' mill to the lime-kiln turnpike road, near Branchtown, in the township of Bristol, in the county aforesaid, by the nearest and best route or routes as the president and directors may determine upon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto.

SECTION 2. That the capital stock of said company shall consist of one hundred and sixty shares, at twenty-five dollars per share: *Provided*, That said company may, from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and improvements thereto belonging, and to carry out the true intent and meaning of this act.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 70.

A SUPPLEMENT

To an act incorporating the Frankford and Oxford turnpike company; relative to the Columbus beneficial society; and to an alley in the borough of Huntingdon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the term limited in the fifth section of the act entitled "An Act to incorporate the Frankford and Oxford turnpike road company," passed the fourth day March, one thousand eight hundred and fifty, for the commencement and completion of said road, be extended for the further term of three years from the passage of this act. Frankford and Oxford turnpike road company. time extended.

SECTION 2. That the majority of the stockholders of said company shall have liberty to decide and say whether the said road shall be planked or made of pounded stone, and if the majority of said stockholders shall decide that the said road shall be planked, the company shall be entitled to the like tolls and benefits, and be subject to all the provisions and restrictions contained in the act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto. Powers of stockholders.

SECTION 3. That all purchases, conveyances and assignments to, as well as all transfers, assignments and extinguishment of ground rents heretofore made by the Columbus beneficial society, of the State of Pennsylvania, shall be held and deemed in all respects as valid and effectual as though express provision and authority for the same had been authorized in their charter: *And provided further,* That the said society is hereby authorized and empowered to invest hereafter, as they shall deem proper, their funds in the purchase of ground rents, and to sell, assign, convey and extinguish any ground rents held by them to the purchaser or purchasers thereof or owners of land bound thereby: *Provided,* That the clear yearly income of said society, including the yearly amount of said ground rents, shall not exceed three thousand dollars. Certain acts of Columbus beneficial society made valid.

SECTION 4. That an act approved the thirteenth day of March, one thousand eight hundred and forty-seven, entitled "An Act to authorize the opening of a public alley in the borough of Huntingdon," be, and the same is hereby repealed, and the owners of lots bounded by Hill street and running back to Washington street, be, and are hereby required to improve the fronts of their barns and other buildings on Washington street, in such manner as may be directed by the town council of the borough of Huntingdon: *Provided,* That the expense of said improvements to each lot-holder shall not exceed the sum of forty dollars. Repeal.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 71.

A FURTHER SUPPLEMENT

To an act entitled "An Act to establish a board of wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," approved the twenty-ninth of March, one thousand eight hundred and three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the wharf line on the river Delaware in front of the district of Southwark, shall be as follows, viz.: Beginning at the south-east corner of Robert Burton's second wharf, above Lombard street, thence extending southwardly until it strikes the upper corner of the lower pier of the United States sectional dock at the navy yard.

Wharf line on
river Delaware.

Power of board
of wardens.

SECTION 2. That the board of wardens of and for the port of Philadelphia shall have power to assess and collect from every applicant for a license to build or extend a wharf at any point within the tide-way of the river Delaware or Schuylkill, for filing applications, examining the premises and subsequent action of the board, any sum not exceeding ten dollars, and for granting, furnishing, and recording a license to build or extend a wharf, any sum not exceeding twenty-five dollars, to be paid to the master-warden for the time-being, which sums, together with all other revenues of the board after paying expenses of collection, shall be appropriated by them as they shall deem most conducive to the best interests of the port of Philadelphia: *Provided always,* That the said board of wardens be fully authorized to determine and establish the compensation and fees of all the officers of the board who now are or may hereafter be appointed.

Plan to be filed.

SECTION 3. That no district, borough, or township bordering on either the river Delaware or Schuylkill, within the bounds of the city or county of Philadelphia, shall be entitled to or receive a license to erect or extend a wharf or wharves into the tide-way of either such streams without having filed in the office of the board of wardens for the port of Philadelphia, a full and correct plan of the river front bordering such district, which draft or plan shall embrace the soundings at points not more than seven hundred feet distant from each other along the water front, at intervals of not more than fifty feet from low-water mark, and extending to the channel of the river, which draft or plan shall be attested by the surveyor of such district, borough, or township, and remain on record in said warden's office, and free for the inspection of all parties interested.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 72.

AN ACT

To extend the Lenox road law, in the county of Susquehanna, approved the third day of March, one thousand eight hundred and forty-seven, to the township of Dimock, in said county; authorizing the election of an additional justice of the peace for the borough of Curwinsville, in Clearfield county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of an act entitled "An Act to alter the road laws in the township of Lenox, in the county of Susquehanna, and for other purposes," approved the third day of March, one thousand eight hundred and forty-seven, as relates to the roads in said township, is hereby extended to the township of Dimock, in said county.

SECTION 2. That the qualified electors of the borough of Curwinsville, in Clearfield county, be authorized to elect an additional justice of the peace for said borough at their next township election.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 73.

AN ACT

To incorporate the Kittanning cemetery; and in relation to elections in Upper Mount Bethel township, in Northampton county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Orr, Joseph Buffington, J. E. Brown, A. L. Robinson, A. J. Corporators, Faulk, A. Arnold, D. Phelps, George T. Crawford, J. Alexander Fulton, James McCullough, Alexander Henry, Joseph Colwell, and Philip Hutchinson, Sr., and their successors, be, and are hereby created a body politic in law, under the name and title of "the Kittanning cemetery," and by that name and title shall have perpetual succession, and

- Privileges.** be able and capable in law to have and use a common seal, to sue and be sued, implead and be impleaded in all courts of law and equity, and do all such other things as are incident to a corporation.
- Vacancies.** SECTION 2. That the said corporation shall at least once in every year hereafter, fill by election by ballot, all vacancies which may happen among them, and at the same time or at other times, increase and add to their number from those who may be lot-holders in said cemetery, so that the said company shall never be diminished to less than seven, nor increased to more than twenty one, and they shall have full power to ordain, establish, and put in execution all such by-laws, rules, and regulations as are not contrary to the Constitution and laws of the United States or of this State, which may be necessary and proper for the regulation and government thereof.
- By-laws.** SECTION 3. That the said corporators shall, as soon as they conveniently can after the passage of this act, and annually on the first Monday in June thereafter, elect from their number five managers, one of whom shall be designated as president, and also, elect a secretary and treasurer, who shall make a report of their proceedings and of the State of the finances at the annual election on the first Monday in June, and whenever a majority of the incorporators require.
- Officers.** SECTION 4. That the said corporators or managers shall have power to contract for and purchase any quantity of land within five miles of the borough of Kittanning, not exceeding twenty-five acres, for the purpose of a cemetery, and the same to lay out and ornament, and to divide and arrange the same into suitable plots and burial lots, and also, to take up, remove, and bury again in some of the said lots, the remains of all persons whose friends desire it, that have been buried in the old grave yard in the said borough of Kittanning, or elsewhere, and to preserve and replace all head and foot stones, tombs, obelisks, or monuments, and to do all other things proper and necessary to be done to adapt the said ground to the purposes of a cemetery, and to sell and dispose of said lots and burial plots in fee simple or otherwise, for the purpose of sepulture, to individuals, societies, or congregations, without distinction of or regard to sect or creed, under such conditions, rules, and regulations as the corporators or managers may establish for the government of lot-holders, visitors to the cemetery, and burial of the dead: *Provided*, That the lots granted by the said association for burial lots shall not be used for any other purpose, and they shall be free from taxation, levy or sale, under or by virtue of any execution or other process against any grantee or holder of said lots or against said corporation.
- Purchase of land.** SECTION 5. That the said corporators, or the said managers after their election, shall have power to appoint all other officers, agents and workmen which may be needful, and fix their compensation or wages, and the same discharge at pleasure, to take from the treasurer security for the faithful performance of his duties and to discharge him from his office upon occasion therefor, and the said managers shall keep a full record of all their official acts.
- Officers, agents and workmen, to be appointed.** SECTION 6. That the said company shall be capable of holding so much personal property as may be necessary for the purposes of this corporation, and it shall be the duty of the managers, out of the proceeds of the sales of burial lots, to create a fund to be invested in judgments or mortgages, the income whereof shall be of adequate amount to be applied as may be necessary for the improvement and perpetual maintenance of the cemetery in proper order and security, and at least ten per cent of the purchase money of all burial lots shall be to set aside for said improvements and the creation of said perpetual
- To hold personal property.**

fund, and any failure in the duties aforesaid, shall subject said managers or corporators to the control of the competent judicial authority for correction.

SECTION 7. That if any person shall open any tomb or grave, in the lands of the said Kittanning cemetery, without the consent of said corporation, and clandestinely or unlawfully remove or attempt to remove any body or remains therefrom, such person upon conviction thereof in the court of quarter sessions of the peace, of Armstrong county, shall be sentenced to undergo an imprisonment in the county jail or Western penitentiary, for a term of not less than one or more than three years and pay a fine of not less than one hundred dollars, and any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, obelisk, grave-stone or other structure placed in the cemetery aforesaid, or any fence or railing or other work for the protection or ornament of said cemetery or any burial lots therein, or of any tomb, monument, obelisk, grave-stone or other structure placed therein as aforesaid, or shall wilfully destroy, cut, girdle, break, injure or remove any tree, shrub or plant within the limits of said cemetery, or shall shoot or discharge any gun or other fire arms within said limits shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five or more than fifty dollars, and may also in addition to said fine be imprisoned at the discretion of the court, for a term of not less than one or more than six months. Penalty.

SECTION 8. That no street, lane or road shall ever be laid out or made through the lands so occupied as a cemetery, except under the authority of the corporation, and the said lands by said corporation held shall be exempt from taxation. Exempt from taxation.

SECTION 9. That it shall be lawful for the said corporators or managers to borrow any sum or sums of money, not exceeding five thousand dollars, and issue the bonds of the corporation for the same: Borrow money.
Provided, That no bonds or certificates of loans shall issue for a less amount than one hundred dollars. Proviso.

SECTION 10. That the eight enth section of the act of February sixth, one thousand eight hundred and fifty-two, which fixes the place of holding elections for Upper Mount Bethel township, in the county of Northampton, be, and the same is hereby repealed. Repeal.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 74.

AN ACT

Authorizing John S. Grafius, administrator of Daniel Grafius, an executor of Jacob Grafius, deceased, to make a deed to the assignees of John Heisley; and in relation to a certain election and school district.

Preamble.

WHEREAS, Jacob Grafius, deceased, and Daniel Grafius, deceased, were in their life-time seized in fee of a lot of ground, situate in Loyalsock township, in the county of Lycoming, bounded on the north by the Pennsylvania canal, on the east by land of Thomas Updegraff, on the south by land of John Jacob Miller, and on the west by land of ——— Fields, containing about two acres, and being thus seized they jointly sold the same by parol to John Heisley, and gave to him the possession in pursuance thereof:

And whereas, The said John Heisley afterwards assigned the said lot of ground to Henry Hartman, Elisha Covert, and John W. Heisley for benefit of creditors, which assignees have paid the balance of purchase money thereof in full:

And whereas, A part of the heirs of the said Jacob Grafius, deceased, and Daniel Grafius, deceased, are minors, and the particular terms of the said parol contract of sale being now incapable of proof so as to procure a specific performance thereof according to the existing laws of this Commonwealth; therefore,

SECTION 1 *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John S. Grafius, surviving executor of Jacob Grafius, deceased, and surviving administrator of Daniel Grafius, deceased, be, and is hereby authorized and empowered to make and execute deeds of conveyance to the said Henry Hartman, Elisha Covert, and John W. Heisley, their heirs and assigns forever (which they shall take for the purposes of said trust), and which deed shall be held to pass in fee simple forever, the title possessed by said Jacob and Daniel Grafius at the time of said contract as fully as they might or could have conveyed the same by their own proper deed in their lifetime.

Real estate of Daniel Grafius.

Franklin tp., Lycoming co.

SECTION 2. That from and after the passage of this act the qualified electors of Franklin township, Lycoming county, shall hold their general and township elections in the house now occupied by Eathan Scott, in the village of Landsville, in said county.

Jas. D. White's farm annexed to the borough of Hartford.

SECTION 3. That the farm of James D. White, in West Fallowfield township, Crawford county, is hereby annexed to the borough of Hartford for school purposes.

W. P. SCHILL.

Speaker of the House of Representatives.

THO. CARSON.

Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 75.

AN ACT

To authorize the board of directors of the O'Hara glass manufacturing company of Pittsburg to borrow money; relative to the Pittsburg and Birmingham bridge; to the Pennsylvania slate company; to taxing dogs in the borough of Kittanning; and to the borough of South Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the board of directors of the O'Hara glass manufacturing company of Pittsburg, be, and they are hereby empowered to borrow from time to time any sum or sums of money, at any rate of interest not exceeding six per cent. which they may deem necessary, and it shall and may be lawful for the said directors to mortgage the real estate of the said company in order to secure the re-payment of any sum or sums of money so borrowed: *Provided*, That the said company shall not at any time issue any bond for any sum less than one hundred dollars: *Provided*, That the said company shall not borrow more than the sum of twenty thousand dollars.

Borrow money.

Proviso.

SECTION 2. That the act entitled "An Act authorizing the Governor to incorporate a company to erect a bridge over the Monongahela river at the borough of Birmingham, in the county of Allegheny, with power to construct a turnpike road from the south end of Denman street, in said borough, to intersect the Monongahela and Coal Hill turnpike road," passed the third day of April, Anno Domini, one thousand eight hundred and thirty-seven, be, and the same is hereby revived and re-enacted with the same force and effect, upon the same terms and conditions and for the same length of time, from and after the passage of this act, as the act aforesaid had and did from the date of its enactment, except only that the number of shares of stock required to be subscribed prior to the issue of letters patent to incorporate said company, be, and are hereby reduced from sixteen hundred to five hundred shares, and Samuel M'Kee, Patrick Mulvany, Thomas M'Kee, Thomas Blackmore, James M'Elroy and Joseph M'Knight, be, and they are hereby appointed additional commissioners to do and perform the several duties mentioned in the act to which this is a further supplement.

Act in relation to a bridge over Monongahela river revived.

SECTION 3. That it shall be lawful for the stockholders of the Pennsylvania slate company representing a majority of the stock of said company, at a meeting to be held for the purpose, of which notice shall be given by advertisements agreeably to the first section of the act incorporating said company, to adopt such measures as shall be necessary to fix the value of the stock of said company issued prior to the year eighteen hundred and fifty-two, and for the cancellation thereof.

Company to fix value of stock.

SECTION 4. That the corporation heretofore known by the name, style and title of the president, managers and company of "The Pennsylvania slate company," shall henceforth be known and called by the name of "The Kittatinny slate company," and by the said name the Kittatinny slate company shall have all the powers, authorities and incidents which they have heretofore lawfully had, possessed and enjoyed under the former corporate name.

Change of name.

Tax in Kittanning borough.

SECTION 5. That it shall be lawful for the burgess and town council of the borough Kittanning, to levy and collect in the usual manner a tax of not more than three nor less than one dollar on all dogs owned or kept by person within the limits of said borough.

Burgess and town council to make by-laws.

SECTION 6. That the burgess and town council of the borough of South Pittsburg, in the county of Allegheny, shall have power to ordain, enact, repeal or amend all such ordinances or by-laws of said borough as to them shall appear proper and expedient, requiring under penalty of such fine as the said council may direct, all owners of carts, drays, wagons, carriages and other vehicles of burden or pleasure, using the paved cart-ways or streets of said borough, to register such vehicles at the office of the burgess of said borough, and pay such moderate license for such use as the said council for the time being may by ordinance order and direct.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-second day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 76.

AN ACT

For the relief of Robert M. Lemon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Canal Commissioners be, and they are hereby authorized to examine the claim of Robert M. Lemon for damages for injury done to two of his cars at plane number eight, on the Allegheny Portage railroad, in the year one thousand eight hundred and fifty, and if they shall ascertain that at the time of the accident the said cars were in possession of the officers or agents of the Commonwealth, and that the accident was occasioned by the negligence or misconduct of said agents or officers, they shall assess the amount of the damages and report the same, together with a statement of the facts to the Legislature: *Provided,* That no allowance shall be made except for the actual injury done to the cars, which shall be established by affidavit.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-second day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 77.

A FURTHER SUPPLEMENT

To an act entitled "An Act relating to the sale and conveyance of and confirmation of the title to certain real estate; incorporating the Central coal company; and authorizing the opening of Marion avenue, in the county of Philadelphia," approved the tenth day of April, A. D., one thousand eight hundred and fifty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph B. Hutchison and William Coulter, the former of Jefferson, and the latter of Armstrong county, be, and they are hereby authorized Real estate of J. S. C. Woodward. and empowered to grant, bargain, and sell in fee simple or otherwise, at public sale, and to convey by deed or deeds in due form of law to the purchaser or purchasers thereof, free and discharged of all trusts, that certain tract of land or any part thereof, situate in the township of Plumb Creek, in the county of Armstrong, adjoining lands of John Ralston on the north, Joseph Henderson on the south-east, Crooked creek on the south and west, containing one hundred and fourteen acres more or less, warranted in the name of William Cowder, and being part of the real estate of John S. C. Woodward, late of Armstrong county, deceased: *Provided,* That the said Joseph B. Hutchison and William Coulter first give a bond with sufficient security, to be approved by the orphans' court of Armstrong county, conditioned for the faithful discharge of their duties. Proviso.

SECTION 2. That the proceeds of the sale of the real estate aforesaid be applied first to the payment of the just debts of the said John S. C. Woodward, deceased, and the balance to be distributed to and among the heirs and legal representatives of the said John S. C. Woodward, deceased, under the direction of the orphans' court aforesaid. Application of funds.

SECTION 3. That before any title shall pass by such sale, the same shall be approved by the orphans' court aforesaid. Sale to be approved.

SECTION 4. That the second section of the act to which this is a supplement, and the fifth section of an act entitled "An Act authorizing the burgess and town council of the borough of Clarion to enclose the public square, and the citizens of said borough to elect auditors; relative to the sale of real estate of J. S. C. Woodward; and extending the limits of the Huntingdon school district," approved the seventeenth day of March, A. D., one thousand eight hundred and fifty-two, be, and the same are hereby repealed. Repeal.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-third day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 78.

AN ACT

Relating to the termination of the North Branch extension of the Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Governor and Canal Commissioners to locate the termination of the North Branch extension of the Pennsylvania canal at the head of the pool of the Athens dam: *Provided,* In their judgment it would best subserve the interests of the State.

Termination of
the N. Branch
canal.

Proviso.

Junction canal
co. to connect.

SECTION 2. That in case the Governor and Canal Commissioners shall decide to terminate said canal at the head of said pool, then they are hereby authorized to make and conclude such arrangements with the Junction canal company, of the State of New York, as they shall deem just and necessary to invest said company with full power and authority to continue their canal from the State line to, and connect it with said North Branch canal, at the head of said pool; the Junction canal company, in constructing their canal from the State line down to said pool, shall be subject to all the provisions and restrictions of an act entitled "An Act relative to the Junction canal company," passed April twenty-eighth, one thousand eight hundred and fifty-two.

Arrangements
with Junction
canal company
relative to
water.

SECTION 3. That if the Governor and Canal Commissioners shall decide it to be inexpedient and against the interest of the State to terminate said North Branch canal at the head of said pool, then they are hereby authorized to make such just and necessary arrangements with the said Junction canal company as will at all times during the navigable season secure water sufficient to feed the said North Branch canal from its termination, as now located at the State line, to the out-let lock at the head of said pool.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-third day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 79.

AN ACT

Providing for extraordinary repairs on the public works.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following sums be, and the same are hereby specifically appropriated for the repair of the injuries done to the several lines of the Pennsyl-

vania canal by the recent flood, to be drawn on the warrants and expended under the direction of the Canal Commissioners, to wit: to the Eastern division twelve thousand dollars, to the West Branch division eight thousand dollars, to the North Branch division two thousand dollars, and to the Susquehanna division three thousand dollars; the said several sums to constitute a portion of the sum of fifty thousand dollars to be appropriated during the present year for the repair of damages done to the public works by flood or fire.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-second day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 80.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Millers' Run and Cross Creek Valley plank road company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Millers' Run and Cross Creek Valley plank road company be, and it is hereby authorized to borrow money in amount not exceeding ten thousand dollars, for the construction of the said plank road from Pittsburg to Hickory and the Virginia line, at any rate of interest not exceeding six per centum per annum; and upon the said loan or any part thereof, in amounts of not less than one hundred dollars, being taken by any person or persons, the president of the said company is authorized to issue bonds in amounts not less than one hundred dollars for said loan or so much thereof as may be taken, payable at any time before the first day of January, Anno Domini, one thousand eight hundred and sixty-three; said bonds shall be made negotiable if desired, and shall be signed by the president of said company, and the interest thereon shall be paid semi-annually by the treasurer on demand, and the treasurer is authorized to pay the principal at the maturity of the bonds.

SECTION 2. That the said Millers' Run and Cross Creek Valley plank road company be empowered to lay out and construct any branch or branches from any point on the main line of their road, to such place or places as the interests of the company shall seem to require: *Provided,* That said branch road or roads shall not exceed five miles in length respectively.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-third day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 81.

AN ACT

To give power to the orphans' court to grant relief in certain cases.

Preamble.

WHEREAS, It sometimes happens that testators bequeath annuities or legacies of principal sums payable at distant periods, or upon contingencies, or under other circumstances which prevent the payment and discharge of such legacies in the usual course of administration, and charge their residuary real estate with the payment of the same, whereby all the said residuary estate is in fact encumbered with the lien thereof, and is rendered in some measure inalienable, although such annuities and legacies might be amply secured by setting apart a portion of the estate, and it is proper to provide a remedy for this inconvenience; therefore,

Powers of ex-
ecutors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever any testator shall have heretofore, by his last will and testament duly proven, given or bequeathed any annuity or annuities to any person or persons, or directed the payment of an annuity or annuities by his executors or by trustees, or bequeathed legacies of principal sums payable at a future period or upon contingencies or under other circumstances by which the payment or discharge and satisfaction of such legacies may be postponed, or may not take place until a distant period after the death of such testator, and either by the express words of the will or by the rules of the law in the construction thereof such annuities or legacies are made or become a charge upon all the residuary estate of the testator, and whenever any testator shall hereafter make any such bequests and provisions, in any such case it shall be lawful for the executors of any such will, or for any such annuitant or legatee, or for any person interested in such residuary estate, at any time after the expiration of one year from the granting of letters testamentary, to apply by petition to the orphans' court having jurisdiction of the accounts of such executors, setting forth the facts and praying relief, whereupon the court may order a citation to be issued to the parties interested to appear at a day certain, to show cause why the relief prayed for should not be granted; and upon the return of such citation if all the annuitants, legatees and other persons interested shall have had due notice of the application, the court may refer the case to an auditor with directions to inquire into the circumstances and to report upon the amount and condition of the estate, and upon the expediency and propriety of exempting any part or portion of the residuary real estate from the lien and charge of such annuities and legacies, or of either of them, having due regard to the absolute and ultimate security of such annuities and legacies, and upon such report being made and due notice thereof having been given to all persons interested, it shall be lawful for the court to make a decree in the premises, and if it shall appear that all the debts of the testator have been paid or sufficiently secured, the court may order and decree that such part or parts of the residuary real estate or such real securities or investments in public stocks shall be set apart or appropriated as in the judgment of the court shall appear to be, and with reasonable probability to continue to be adequate and sufficient beyond all charges, ex-

penses and deductions for the payment of such annuities and legacies, providing always a sufficient surplus to meet any contingent diminution or depreciation in the value or income of the estate and securities so set apart, and when such decree shall have been made it shall be further lawful for the court to order and decree that all the remaining residuary real estate of the testator not so specifically set apart, shall be and remain discharged and exonerated from the lien and charge of any and every such annuity and legacy in the hands of any bona fide purchaser of such real estate for a valuable consideration, and such decree shall have the force and effect of discharging and exonerating all such real estate accordingly, unless an appeal be taken from such decree to the supreme court within one year after entering of the same: *Provided*, That nothing herein contained shall be deemed or *Proviso*, held to authorize the exoneration of any real estate which may have been or may be specifically charged by a testator with the payment of any annuity or legacy.

SECTION 2. That the real estate, securities and stocks set apart and appropriated by order of the court aforesaid, shall be and continue in the possession, charge and management of the executors, trustees or other persons to whom the same may have been devised by the testator as aforesaid, under and subject to the charge of such annuities and legacies, and it shall be the duty of every such executor, trustee and other person at the expiration of one year after such decree shall have been made, and at the expiration of every year thereafter until the termination of such trust, to make report to the court setting forth the situation and circumstances of such estate, securities and stocks and the annual income therefrom, and the payment thereout, and if upon such report it shall appear to the court that the said income exceeds, in any considerable degree, the amount of the existing annuities and other charges and expenses payable thereout, it shall be lawful for the court to order and decree that such surplus income may be paid over to such persons as may be entitled to the residuary estate under the provisions of the will, or the court may in their discretion order and decree that the same be invested in real securities or public stocks for the further or additional security of such annuitants or legatees. *Securities and stocks to remain in charge of executors, trustees, &c.*

SECTION 3. That upon the application of any person interested in any residuary estate set apart as aforesaid, setting forth that by reason of the decease of any such annuitant or by the happening of any other event, the charge of any annuity or legacy as aforesaid has become extinguished, in fact or law, it shall be lawful for the said court from time to time, after due notice and inquiry into the facts, to make an order and decree for the exoneration and discharge of such part or portion or so much of the real estate, securities and stocks so set apart and appropriated as may appear to such court to be beyond the amount requisite or proper for the purpose of providing a sufficient continuing security for the payment of the remaining annuities and legacies, and every such order or decree, unappealed from as aforesaid, shall have the same force and effect in respect to the real estate, securities and stocks therein, and thereby exonerated and discharged, as is declared in the first section of this act, in respect to the residuary real estate not specifically set apart and appropriated. *Duties of courts.*

SECTION 4. That nothing in this act contained, or in any decree or order that may be made by any orphans' court, by the authority of this act, shall be deemed or held to affect in any way the legal or equitable rights of any person or persons interested in the residuary estate set *Construction of act.*

apart and appropriated as aforesaid, but all such rights to the ultimate enjoyment of such estate shall remain and continue as before the passage of this act.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-third day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 82.

A N A C T

To legitimize Edgar Ilgenfritz, of York county; relative to the boroughs of York, Hanover; and to the Warren and Pinegrove railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Edgar Ilgenfritz
legitimated.

Edgar Ilgenfritz of the borough of Shrewsbury, in the county of York, an illegitimate son of Emanuel Ilgenfritz and Margaret A. McDonnell, who were intermarried after the birth of their son, shall have and enjoy all the rights, privileges, benefits and advantages of a legitimate child of the said Emanuel Ilgenfritz and Margaret A. McDonnell born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever as fully and completely, to all intents and purposes, as if he had been the legitimate child of the said Emanuel Ilgenfritz and Margaret A. McDonnell born in lawful wedlock.

West ward in
York borough
created.

SECTION 2. That all those portions of the North and South wards of the borough of York, lying west of the Codorus creek, shall hereafter form a separate election district and shall be called the West ward of the borough of York, and the qualified electors of said district shall hold their elections at the house of Daniel Motter in said borough, and that John W. Slusser shall be the judge, and Frederick Zorger and Edward C. Lauman the inspectors to hold the first election under this act, and that this act shall not be construed in any manner whatsoever to interfere with the common school districts as at present constituted in said borough of York.

Duties of assess-
sors.

SECTION 3. That it shall be the duty of the assessors of the North and South wards of said borough of York, jointly to furnish a list of the taxable inhabitants of the district to be placed at the poll in the manner prescribed by law, and that the collectors of taxes of said wards shall in the same manner appoint a proper person to attend the polls on the day of the election, whose duties shall be the same as those enjoined upon a collector of taxes by the laws regulating elections in this Commonwealth.

SECTION 4. That the elections now authorized by law to be held for burgess, town council and other officers of the borough of Hanover, in York county, shall hereafter be held and conducted by the same officers, who shall be annually elected by the citizens of said borough, to hold the general elections of this Commonwealth, and so much of the second section of said act as is hereby altered and supplied is hereby repealed.

SECTION 5. That the act authorizing the incorporation of the Warren and Pinegrove railroad company, approved fourteenth March, one thousand eight hundred and thirty-six, be, and the same is hereby revived, and the time for commencing the construction of the work thereof, extended for three years from the first day of May next, and the time for completing the same extended for seven years thereafter, and that the names of S. J. Goodrich and Raselas Brown be added to the list of corporators.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-third day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 83.

A FURTHER SUPPLEMENT

To an act incorporating the Catawissa, Williamsport, and Erie railroad company; changing the time of holding the election of the Philadelphia and Pavonia ferry company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in any election of managers or other officers of the Catawissa, Williamsport, and Erie railroad company by the stockholders therein, the previous public notice required by the charter or supplements thereto shall be deemed sufficient if made in two daily newspapers published in the city of Philadelphia, and that the annual meeting of the said stockholders shall be hereafter held on the first Monday in May.

SECTION 2. That the secretary, treasurer, or any other officer of the said company, who is not required by any existing laws to be a stockholder therein, may be elected irrespective of his residence.

SECTION 3. That it shall be lawful for the stockholders of said company, at any annual or special meeting, to confer on the president and managers such power and authority as they shall deem expedient or necessary for the well government and interests of the said company, not inconsistent with any of the provisions or restrictions contained in the act of incorporation or any of the supplements thereto.

No loan of money or contract, to be deemed usurious.

SECTION 4. That no loan of money or contract heretofore made or hereafter to be made by any person or persons to or with the said company shall be deemed or taken to be usurious for reason of such company agreeing to pay a greater interest than at the rate of six per centum per annum, or giving its bonds or other evidences of debt for a greater sum than the sum actually lent the said company, but such loans and contracts shall be deemed and taken to be lawful and valid.

Extension of railroad.

SECTION 5. That the said company are hereby authorized to extend their railroad from Catawissa westwardly to Williamsport, in the county of Lycoming, or to any point on the West Branch of the Susquehanna river east thereof, by such route as may be deemed most advantageous to the interests of said company: *Provided*, That any road located under the authority of this section shall not diverge more than one mile distant from the mouth of Fishing creek.

Proviso.

Election of directors.

SECTION 6. That the first election for directors of the Philadelphia and Pavyonia ferry company, under the act passed the twelfth day of April, one thousand eight hundred and fifty-two, shall be held on the second Monday of July, one thousand eight hundred and fifty-three, and so much of the third section of said act as requires the said election to be held on the first Monday of December, one thousand eight hundred and fifty-two, be, and the same is hereby repealed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-third day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 84.

AN ACT

To charter the Lower Merion plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* J. W. Anderson, H. G. Letinberg, William Sibley, Jacob Sibley, William Leshner, Josiah Knox, James Anderson, John C. Diehl, Jos. T. Pierce, or a majority of them, be, and they are hereby authorized and appointed commissioners to open books and receive subscriptions and organize a company by the name, style, and title of "the Lower Merion plank road company," with power to construct a plank road from the Haverford plank road to the Lancaster turnpike, passing on along and upon the bed of the church road in Lower Merion township, Montgomery county, subject to the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-

Commissioners.

sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto.

SECTION 2. That the capital stock of said company shall consist of Capital stock. two hundred shares of twenty-five dollars per share: *Provided*, That the said company may, from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as may be necessary in their opinion to complete their road and to carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the construc- Commencement and completion of road. tion of their road within three years, and complete the same within ten years after the passage of this act, it shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of said company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 85.

AN ACT

To incorporate the Chartiers Valley plank road company; relative to the Birmingham and Brownsville turnpike road company; and to the support of the poor in Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners. Alfred P. Anshutz, John Biggart, James Bell, Philip J. Smith, Jonathan P. Ross, John Davis, E. Edmundson, N. G. Murphy, Samuel Thornbury, and William Perkins be, and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name and style of the Chartiers Valley plank road company, Style. with power to construct a plank road from a point at or near the Steubeville turnpike bridge, crossing Chartiers creek, in Chartiers township, Allegheny county, and thence by Dinsmore's cross roads, or by a line adjacent thereto, and thence by the shortest and most eligible route to a point on the Temperanceville and Noblestown plank road, near the house of Samuel Graham, in the aforesaid township and county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, Subject to provisions of certain act. one thousand eight hundred and forty-nine, and the supplements thereto.

SECTION 2. That the capital stock of said company shall consist of Capital stock. fifty shares of twenty-five dollars each: *Provided*, That the said com-

pany may, from time to time, by a vote of the stockholders at a meeting called for the purpose, increase their capital stock so much as in their opinion may be necessary to carry out the true intent and meaning of this act.

County or township roads.

SECTION 3. That it shall be lawful for the said company to occupy with their road the line or location of any county or township road already laid out and opened from the land of Henry Dinsmore, to Charters creek, or so much thereof as may be eligible for that purpose.

Gates and toll.

SECTION 4. That it shall and may be lawful for the said company to erect and set up a gate or gates, and to levy and collect tolls from persons traveling along, otherwise using the said road at the rates prescribed in the act to regulate turnpike and plank road companies already referred to, and without further license, as soon as they shall have completed the aforementioned plank road.

Gates and toll.

SECTION 5. That the Birmingham and Brownsville macadamized turnpike road company, incorporated in pursuance of an act passed on the fifteenth day of February, eighteen hundred and fifty-one, be, and the said company is hereby authorized to erect and fix such and so many gates upon and across said road as shall be necessary and sufficient to collect the tolls authorized by the act aforesaid, and that said gate or gates be so erected and toll collected so soon as any two miles of said road shall be planked or macadamized.

House of employment.

SECTION 6. That the act of the twenty-third of April, one thousand eight hundred and fifty-two, entitled "An Act to provide for the erection of a house for the employment and support of the poor in the county of Allegheny," is hereby legalized, made good and valid.

Commissioners to have further powers.

SECTION 7. That the commissioners appointed by said act, in addition to the powers therein granted to them, shall have full power and authority to make a contract for such farm as they may judge fit to purchase, and fix and agree upon the price and terms and times of payment therefor, with the person from whom they shall purchase the same, and that as soon as said farm is purchased, the said commissioners shall proceed to adopt a plan for such buildings on said farm as they judge most appropriate, for poor house purposes, and as soon as conveniently can be, make all necessary contracts for the erection of the same, and proceed with the same in such manner as they shall deem most suitable, until such time as the directors, provided for by said act, shall be duly elected and come into office, when said directors shall take charge of and carry on said contracts and all business which shall remain unfinished; the act of a majority of said commissioners shall be the act of the whole, and they shall elect one of their number president, and another of their number secretary, and keep regular minutes of their proceedings, which they shall hand over to said directors when elected, and said commissioners shall be paid out of the treasury of Allegheny county all necessary expenses, and one dollar and fifty cents per day for each day necessarily spent by each of them respectively about said business.

Commissioners to issue bonds.

SECTION 8. That the county commissioners are hereby authorized to issue the bonds of the county at such length of time and payable at such places as they may judge proper for such amount as will be necessary to meet such contracts for said farm and building, and negotiate said bonds and borrow money on the same: *Provided*, That the said bonds shall not bear more than six per cent. interest: *Provided*, That no bond shall be issued for a less sum than one hundred dollars.

SECTION 9. That so much of the act to which this is a supplement as is hereby altered or supplied, be, and the same is hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 86.

A N A C T

To authorize the trustees of Frederick Graff, deceased, to sell certain real estate; changing the name of Harriet Newell Weaver to Harriet Newell Wayne; incorporating the Philadelphia medico legal college; relating to the Erie gas company; authorizing the directors of turnpike and plank road companies to supply vacancies; and changing the name of Stella M. Reynolds to Stella M. Boyd.

WHEREAS, Frederick Graff of the city of Philadelphia, deceased, by his last will and testament, bearing date the eighteenth day of September, Anno Domini one thousand eight hundred and forty-five, duly proved, devised among other things to his wife Judith Graff, a messuage and lot of ground at the North West corner of Cherry and Tenth streets in the city of Philadelphia, for and during the term of her natural life, she keeping the same in good repair and paying the taxes thereon, and after her death devised the same premises to his five children or such of them as may then be living and the issue of such as may then be dead their heirs and assigns: Preamble.

And whereas, The said testator afterwards devised all the rest, residue and remainder of his estate to his said wife and children in the manner therein expressed, but provided that the portions of each of his daughters respectively of and in all his estate should be held in trust by his executors for and during their natural lives as therein fully set forth, and authorized and empowered his executors to sell and dispose of all or any part of his residuary real estate by public or private sale, and furthermore appointed by his said will and codicil thereto, his wife Judith Graff and Frederick Graff, junior, and William S. Vaux his executors and trustees:

And whereas, The said executors and the widow and children of the said decedent are desirous to sell and convey the said messuage and lot of ground, and doubts have arisen whether the power given to the executors to sell extends to the said premises and empowers them to convey a good title to the same; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the said Judith Graff, Frederick Graff, junior, and William S. Vaux, the widow and executors of the said Frederick Graff, deceased, to sell at public sale the said messuage and lot of ground, Estate of Frederick Graff.

late of the said Frederick Graff, at the north west corner of Cherry and Tenth streets, in the city of Philadelphia, with the appurtenances, and upon receipt of the purchase money to convey the same to the purchaser in fee simple, and for as good and valid an estate therein as the said Frederick Graff was seized of and entitled to in the premises at the time of his death, free and clear of all estates tail, and of all trusts declared or provided in his said will of and concerning the same or any part thereof, and of all liability on the part of the purchaser to see to or be responsible for the application of the purchase money: *Provided*, That the said purchase money and proceeds of sale shall be invested and held by the said executors for the same uses, trusts and purposes as are declared and provided by the said will, of, for and concerning the said messuage, lot of ground and premises, the purchase money being in every respect substituted for the premises sold: *Provided*, That before any such sale shall be made, security shall be given, to be approved of by the orphans' court of the county of Philadelphia, for the faithful application of the proceeds of such sale: *And provided further*, That before any conveyance shall be executed the said sale shall be approved by said court.

Proviso.

Proviso.

Proviso.

Harriet Newell Weaver, change of name.

SECTION 2. That from and after the passage of this act the name of Harriet Newell Weaver, of the county of Philadelphia, State of Pennsylvania, an adopted daughter of Edward C. Wayne, be, and is hereby changed to that of Harriet Newell Wayne, and that the said Harriet Newell Weaver shall be called by the name of Harriet Newell Wayne and by that name shall be able and capable in law to sue and be sued, grant, receive and take and inherit any estate, real or personal, and do all other legal acts as effectually, to all intents and purposes, as she could have done by her former name if no change had been made therein, and she is hereby invested with all the legal rights of a legitimate daughter and legal heir of the said Edward C. Wayne.

Corporators.

Style.

Subject to provisions of certain act.

Erie gas company empowered to lease real estate.

SECTION 3. That John F. Beaty, A. P. Bartholomew, James M. Riley, William S. Jones, William Taylor, Jacob L. Gossler and William W. Winner, and their associates and successors, be, and they are hereby made and created a body politic and corporate, in law and in fact, by the name, style and title of the "Philadelphia medico legal college," with all the powers and subject to restrictions contained in the first, second and third sections of the act entitled "An Act to incorporate the Franklin medical college," approved the twenty-eighth day of January, one thousand eight hundred and forty-six.

SECTION 4. That the Erie gas company incorporated by an act approved the tenth day of March, A. D., one thousand eight hundred and fifty-two, be, and is hereby empowered to sell or lease such portions of the real estate of said company, situated in the city of Erie, as may not be necessary for carrying on the business of said corporation, and make and execute good and sufficient deed or deeds of the land sold to the purchaser or purchasers thereof.

Vacancies.

SECTION 5. That in case of the death, removal or resignation of either the president or any of the managers, treasurer or other officer of any plank or turnpike road company, elected under and in pursuance of the act entitled "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, A. D., one thousand eight hundred and forty-nine, and its supplements, that the remaining managers may supply the vacancy thus created until the next election.

Stella M. Reynolds, change of name.

SECTION 6. That henceforth the name of Stella M. Reynolds, an adopted daughter of Charles C., and Louisa M. Boyd, of Erie county, shall be Stella M. Boyd, in which name she shall be competent to sue

and be sued and to transact business, and she is hereby invested with all the legal rights of a legitimate daughter of the said Charles C., and Louisa M. Boyd.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 87.

A FURTHER SUPPLEMENT

To an act entitled "An Act to incorporate the Penn mutual life insurance company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the third section of the act to which this is a supplement shall not be so construed as to prevent said company from purchasing, receiving, taking, and holding as investments and conveying the same, any ground rents or life interests in real estate, but the said company shall have authority to purchase, receive, take, hold, and convey in fee simple or for any less estate, from time to time as they may deem fit, any and all ground rents and life estates in any and all real property.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 88.

AN ACT

To change the name of the borough of Mechanicsburg, in the county of York, to that of Stewartstown; relative to the Keystone life insurance company; and to the school directors of the Tunkhannock school district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the borough of Mechanicsburg, in the county of York, shall be called and known by the name of Stewartstown, and by that name shall enjoy all the rights and privileges and be subject to the same liabilities as if the name had not been changed.

Mechanicsburg
borough, change
of name.

Suits brought
against Key-
stone life insu-
rance co.

SECTION 2. That the provisions of the thirteenth section of an act entitled "An Act to incorporate the Schuylkill County agricultural society; relative to a school district in Schuylkill county," approved the fourteenth day of April, Anno Domini, one thousand eight hundred and fifty-one, shall be so construed as not to apply to suits depending or that may hereafter be brought against the Keystone mutual life and health insurance company of Harrisburg, for any claim for insurance against said company, in which the person whose life was insured by said company died before the passage of the aforesaid act.

School directors
of Tunkhan-
nock school dis-
trict, to assess
a tax.

SECTION 3. That it shall be lawful for the school directors of the Tunkhannock borough school district, in the county of Wyoming, to assess a tax upon all taxable property in said district as at present formed, or which may be hereafter attached to said district, sufficient to pay for a suitable lot therein to be purchased by said directors to and for the use of said district, and for the materials and labor in the erection thereon of such a school house as said directors or a majority of them may direct, and to collect and apply said tax to said purpose as soon as practicable, and also, to apply any funds now on hand, to the purpose aforesaid.

Tunkhannock
district, to in-
clude farm of
John Keeney.

SECTION 4. That the said school district shall hereafter extend to and include the farm of John Keeney, and the property of Elisha Sharpe, and the farm owned by Dana and Jackson, called the Avery farm, on the east, and the farms of Jacob L. Jayne, S. G. Bates, and the farm formerly owned by U. G. Hammond, on the north, and also, the farm of John Ace.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 89.

AN ACT

To compensate Beckwith S. Brockway for certain services rendered in the State library.

WHEREAS, Certain services were performed by Beckwith S. Brockway in the State library, Anno Domini, one thousand eight hundred and forty-six, under circumstances of peculiar hardship and loss to him unless relief be extended to him in that behalf; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of one hundred and fifty dollars be, and the same is hereby appropriated to Beckwith S. Brockway, of Luzerne county, out of any moneys in the treasury not otherwise appropriated, as full compensation to said Brockway for services rendered in the State library during the session of the Legislature in the year one thousand eight hundred and forty-six.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 90.

AN ACT

Annexing the counties of Bradford, Susquehanna, Luzerne, Tioga, and Wyoming, to the eastern district of the supreme court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the counties of Bradford, Susquehanna, Luzerne, Tioga, and Wyoming shall be attached to and become part of the eastern district of the supreme court, and the writs of error and appeals from the courts of said counties shall be made returnable at the March term of said supreme court on such day or days in March or April as said court may direct.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 91.

AN ACT

To incorporate the Empire hook and ladder company of the district of Spring Garden, in the county of Philadelphia.

- Corporation.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all persons who are now members of the association called the Empire hook and ladder company of the district of Spring Garden, in the county of Philadelphia, or who shall hereafter be admitted members of the same, shall be, and they are hereby erected and declared to be one body politic and corporate, by the name, style and title of "The Empire hook and ladder company," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or otherwise, and to purchase, receive, have, hold and enjoy to themselves and their successors all, and all manner of lands, tenements, rents, annuities, liberties, franchises and hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed or choses in action, and the same from time to time to sell, grant, devise, alien or dispose of: *Provided, That* the clear yearly income of the said corporation shall not exceed the sum of three thousand dollars, and also to make and have a common seal and the same to break, alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter or the Constitution and laws of the United States or of this Commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation and the due ordering and management of the affairs thereof.
- Style.**
- Privileges.**
- Proviso.**
- Banking privileges prohibited.** SECTION 2. That nothing in this act contained shall be deemed to authorize the said company to engage either directly or indirectly in any banking, moneyed, commercial or manufacturing concern, but the object of the said corporation shall be the promotion of the public good at fires.
- Reservation.** SECTION 3. That the Legislature reserves the right to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion the same shall be injurious to the citizens of this Commonwealth, in such manner however that no injustice shall be done to the corporators.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 92.

AN ACT

To authorize the State Treasurer to pay Captain Jacob Hubeli certain moneys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized to pay to Captain Jacob Hubeli the sum of five hundred and twenty-two dollars seventy-five cents, which shall be in full for compensation for quarters and stores to the troops called out by the Governor of the Commonwealth during the riots in Philadelphia, in one thousand eight hundred and forty-four.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 93.

A SUPPLEMENT

To an act entitled "An Act authorizing the Governor to incorporate the Lahaska and New Hope turnpike road company," approved the twenty-fourth day of February, one thousand eight hundred and forty-seven; and relative to the Doylestown and Willow Grove, and Buckingham and Doylestown turnpike road companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for the commencement of the work by the said company is hereby extended to the term of three years from the passage of this act, and the said road when completed shall end at the terminus of the Buckingham and Doylestown turnpike, instead of at Wilson's creek, as mentioned in the act to which this is a supplement, and that the road shall not be more than forty feet wide.

Time of commencement of work extended.

SECTION 2. That the said Lahaska and New Hope turnpike road company when organized shall be governed by the same laws and regulations, and shall have the same powers and privileges as are granted Subject to provisions of certain act.

to the Richboro and Pineville turnpike road company, in an act approved the third day of March, one thousand eight hundred and forty-eight.

Annual meeting and election.

SECTION 3. That the annual meeting and election of said company shall be held on the fourth Monday of November in each year, at which time it shall be the duty of the president and managers to present a statement showing the condition of the company and the financial transactions of the past year, and the said president and managers shall have authority to fill all vacancies in office until the next annual election, and that every stockholder shall be entitled to one vote for each share he holds not amounting to more than ten, and one vote for every five shares over that number for all fractional parts of tolls not equal to any denomination of coin in circulation, the said company may take the next highest denomination, and for fractional parts of a mile the company to have the benefit of the fraction.

Penalty for refusing to pay tax.

SECTION 4. That if any person or persons traveling along said road shall pass through or by any gate without paying or offering to pay the toll authorized to be charged for traveling along the same, or shall use any fraudulent means or device whatsoever to avoid the payment of the said toll, such person or persons shall forfeit and pay to the said company the sum of five dollars, to be sued for and recovered with costs of suit before any justice of the peace, as debts of like amount are by law recoverable; and if any person or persons shall remove, injure, deface, or otherwise interfere with any improvements made and erected on said road, or the surveyed limits thereof, or shall place on any part of the same any dirt, shavings, ashes, weeds, rubbish, or any kind of material or offensive matter, or shall remove therefrom any mould, dirt, gravel, sand, stone, or other material, without first having obtained the consent of the said president and managers, such person or persons shall forfeit and pay to the said company the sum of five dollars, to be sued for and recovered in manner aforesaid, and shall also, be liable for all damages or injury caused by said act.

Supervisors and chief burgess authorized to subscribe stock.

SECTION 5. That the supervisors of the township of Solebury, and the chief burgess of the borough of New Hope are hereby respectively authorized and required to subscribe for the following amount of stock in said company, to wit: The said supervisors for and on behalf of said township of Solebury, forty shares, amounting to one thousand dollars, and the said chief burgess for and on behalf of said borough of New Hope, ten shares, amounting to two hundred and fifty dollars, the same to be paid for out of the funds of the said township and borough respectively: *Provided*, That the said subscription shall first be approved of by a majority of the votes cast thereon at the ensuing spring elections in the said township and borough respectively, and notice shall be given that the said question will be voted on in usual manner of giving notice of said election, and it shall and may be lawful for the said supervisors and the said chief burgess respectively, at any time thereafter to sell, dispose of, and transfer the said stock at or above the par value thereof, and the amount received therefor shall be appropriated to the ordinary expenses of the said township and borough respectively.

Proviso.

Power to borrow money.

SECTION 6. That the said Lahaska and New Hope turnpike road company are hereby authorized to borrow for the purposes of the company any sum not exceeding five thousand dollars, and for the purpose of securing the same to the lender or lenders, may issue certificates of loan in sums not less than one hundred dollars each, and the same may from time to time renew, which certificates shall be signed by the president and treasurer, and sealed with the seal of the corporation, to be

payable at such times and upon such terms as may be agreed upon between the parties; and in order to secure to the lenders, their executors, administrators, or assigns, the amount of said certificates as they shall become due and payable, the said company are hereby authorized to make and execute to a trustee or trustees to be appointed by the president and managers, a mortgage in the manner hereinafter provided, for the whole of the said turnpike road as the same shall be at the time of the execution of said mortgage, or at any time thereafter, and of all the stock, rights, and privileges of the said company, and of all and each of the stockholders thereof; and in case it shall happen that any certificate of loan aforesaid shall remain unpaid for thirty days after the time appointed for the payment of the same, then it shall be lawful for the holder of such certificate to sue out a *scire facias* on the mortgage aforesaid, and proceed to obtain judgment thereon, and the judgment so obtained shall stand as a security for all such certificates then remaining unpaid, and the holder of any certificate then due may proceed and issue a *levari facias* and sell the said road, and all the stock, rights, and privileges of the said company and of the stockholders in the said road, shall by such sale be vested absolutely in the purchaser or purchasers thereof as effectually as real estate is vested in a purchaser when sold on a mortgage, and the said sale shall wholly divest the said company and each and every stockholder of all corporate powers, rights, title, interest, estate, privilege, or stock, and the same shall be fully vested in the purchaser or purchasers thereof, and from thenceforth all the provisions of the act of incorporation of said company and its supplements, with the corporate powers conferred, and of the several laws of this Commonwealth in relation to turnpike roads shall be for the benefit and government of the said purchaser or purchasers, in like manner as if they were the original corporators; and if at any time the interest agreed to be paid shall remain unpaid for thirty days after the time appointed for the payment thereof, the court of common pleas of Bucks county, shall, on the application of the holder of any certificate to whom interest is due, decree that the tolls collected upon said road be paid to a receiver appointed by the said court until a sufficient sum is collected to pay all interest due, and shall enforce such order if necessary, by attachment, and shall direct the interest aforesaid to be paid by such receiver to the persons to whom it may be due, and all the proceedings to effect this purpose shall be in such form as the court may direct: *Provided*, That before proceeding to obtain the loan aforesaid, the president and managers shall, by resolution of the board, determine precisely the amount of the loan to be made, which shall not be exceeded, and thereupon they shall execute the mortgage aforesaid, conditioned as aforesaid, and then the said president and managers may, from time to time, as they deem best, borrow any portion of said amount, for which they shall issue certificates of loan as aforesaid, and the same from time to time renew as occasions may require. Proviso.

SECTION 7. That the Doylestown and Willow Grove turnpike road company, and the Buckingham and Doylestown turnpike road companies are hereby authorized to charge and receive the same rate of tolls as are authorized by this act, and all provisions and restrictions interfering with the same, and contained in the acts incorporating the said Certain companies authorized to charge same tolls.

Doylestown and Willow Grove turnpike road company, and the Buckingham and Doylestown turnpike road company are hereby repealed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER

No. 94.

AN ACT

Authorizing the election of four supervisors in Hempfield township, in the county of Westmoreland; relative to election districts, in said county; and extending the corporate powers of the Farmers' and Mechanics' mutual insurance association, of Bucks county; to roads in Kennett township, Chester county; and to elections in Sadsbury township, in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the citizens of that portion of Hempfield township, in the county of Westmoreland, composing the New Stanton election district, be, and are hereby authorized to elect one supervisor; the citizens of that portion of said township, composing the Adamsburg election district shall elect one supervisor, and the citizens of the residue of said township shall elect two supervisors, one of whom, at the time of his election, shall reside north and the other south of the Stoystown and Greensburg, and Greensburg and Pittsburg turnpike roads in said township, each of whom shall serve as supervisors of the public highways, for that portion of said township, for which he has respectively been elected, during the year ensuing his election.

Certain election districts in Westmoreland co., to elect supervisors.

Repeal.

Allegheny tp., Westmoreland co.

Burrell tp., Westmoreland co.

Repeal.

SECTION 2. That all laws heretofore enacted which are incompatible with the first section of this act, be, and the same are hereby repealed.

SECTION 3. That the qualified electors of Allegheny township, in the county of Westmoreland, shall hereafter hold their general and township elections at the house of John Shearer in the village of Shearersburg, in said township.

SECTION 4. That the general and township elections in Burrell township, Westmoreland county, shall be held at the house of Robert S. Reel, in said township; that John S. McKean is hereby appointed judge, and Charles Wallace and Joseph Skillen inspectors, to hold the township elections, in said township, on the third Friday of March next, in accordance with existing laws regulating the conducting of township elections.

SECTION 5. That so much of the fifteenth or any other section of an act or its supplements, passed the twenty-fourth day of March, one

thousand eight hundred and forty-three, incorporating the Farmers' and Mechanics' Mutual Insurance Association, of Bucks county, as limits the exercise of the corporate powers, privileges and franchises of said company to twenty years, be, and the same is hereby repealed.

SECTION 6. That so much of an act to repeal an act entitled "An Extension of Act relative to the expenditure of the road taxes in Fayette county, certain act to and for other purposes," approved the eleventh day of March, one the township of Kennett, Chester co. thousand eight hundred and forty-five, as relates to the election of supervisors, and the mode and manner of repairing the public highways in the townships of New Garden and Pennsbury, in the county of Chester, be, and the same is hereby extended to the township of Kennett, in said county, except so much thereof, in the fourth section of said act, as prohibits the making of cross-ways or drains on the slopes or sides of hills of a less grade than five degrees, and that which requires strong embankments of one foot in height along the sides of the roads at the foot of the hills.

SECTION 7. That the qualified electors of the township of Sadsbury, in Chester county, may decide by ballot on the seventeenth day of March next, whether the township and general elections shall hereafter be held at the Parkesburg hotel, in said township, or at the public house of Margaret Kendig, in Sadsburyville, where they are now held.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 95.

AN ACT

To authorize the widening of Jarvis street in the district of Southwark, county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Jarvis street, between Front and Second street, in the district of Southwark, county of Philadelphia, is hereby increased to the width of thirty feet from the north line of said street, and that the damages accruing from such widening shall be paid as is now provided by law in the case of other streets in said county: Provided, That the expense shall not exceed five hundred dollars.*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 96.

AN ACT

To incorporate the Sharon and Mercer turnpike and plank road company; to enable the executor of David B. Hays to sell certain assets; the school directors of French Creek, Mercer county, to sell certain school houses; the Auditor General to re-settle the accounts of David T. Porter; and to authorize George Means to make a title to Jacob Himes.

Commissioners.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,</i> That Thomas J. Porter, Daniel Stambaugh, Thomas Hazelton, junior, Charles C. Curtis, John Titus, David T. Porter and James Hazelton of the borough of Sharon, and R. C. Rankin, Thompson Graham, James Sloss, William S. Garvin, of the borough of Mercer, in the county of Mercer, are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of the
Style.	"Sharon and Mercer turnpike and plank road company," with power to construct a turnpike or plank road from the borough of Sharon to the borough of Mercer, in said county, by such route as may be agreed upon by a majority of the stockholders, at a meeting called for that purpose, with the privilege of occupying such part or parts of any State, county or township road as may be deemed expedient and necessary for the purpose aforesaid, subject to all the provisions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine (except as hereinafter provided), and the supplements thereto.
Location of road.	SECTION 2. That the president and managers of said company shall have power to construct said road in such manner as will admit of an even surface, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of five degrees from a horizontal line.
Subject to the provisions of certain act.	SECTION 3. That whenever said company shall have finished three miles or more of said road, the president thereof shall give notice to the Governor who shall appoint forthwith three skilful, judicious and disinterested persons to view the same, and report on oath or affirmation to him whether said road is so far executed in competent and workmanlike manner, according to the true intent and meaning of the act regulating turnpike and plank road companies, and if their report shall be in the affirmative then the Governor shall, by license, under his hand and the seal of the State, permit and suffer said company to erect and fix such, and so many gates upon and across the said road as will be necessary and sufficient to collect such toll or tolls as are authorized by the general laws aforementioned and the supplement thereto, except so much of the eleventh and twelfth sections of said act as are hereby altered or supplied.
Continuation of road.	SECTION 4. That if said company shall not commence their road within two years and complete the same within seven years from the passage of this act, the same shall be void.
Notice to Governor.	SECTION 5. That the capital stock of said company shall consist of seven thousand shares of fifty dollars each: <i>Provided,</i> That said company shall from time to time, by a vote of the stockholders had at a
License to take toll.	
Commencement and completion of road.	
Capital stock.	
Proviso.	

meeting called for the purpose, increase their capital stock if it shall be deemed necessary to carry out the true intent and meaning of this act.

SECTION 6. That Samuel Holstein, executor of the last will and testament of David B. Hays, late of Mercer county, deceased, be, and Hays, hereby is authorized and empowered to sell at private sale, and to assign and transfer to the purchaser or purchasers thereof, all or any part of the interest or claim which the said David B. Hays had at the time of his death, in all or any of the judgments, obligations, notes, book accounts or any other credits and effects whatsoever, which were the property of, or belonged in any way to the late firm of Pearson and Hays, practitioners in law, to any person or persons whomsoever, and for such price or prices as the said Samuel Holstein may deem fair and equitable, and the said executor in the settlement of his accounts in the register's office shall charge himself only with the amount at which such sale may be made: *Provided*, That no such sale shall be made without the written approval, consent and request of Mary C. Hays, widow of the said David B. Hays, and of M. Park, guardian of the minor children of said deceased.

SECTION 7. That the school directors of French Creek district, in Mercer county, are hereby authorized to sell, assign and transfer for such price or prices as they may deem fair, all such school houses heretofore erected in said district as may have become useless by reason of the present arrangements of the sub-district, in said district, and to invest or expend the proceeds of such sale or sales in such manner as they may deem best for the interest of the said school district.

SECTION 8. That the Auditor General be, and is hereby authorized to open the settlement made of the accounts of David T. Porter, late treasurer of Mercer county, and to allow such credits as to him may seem just and equitable.

SECTION 9. That George Means, administrator of the estate of Archibald Dickey, late of Clarion county, deceased, be, and he is hereby authorized and empowered to make, execute and deliver to Jacob Himes a deed, in fee simple, for a tract of land situate in Redbank township, Clarion county, adjoining lands now or late of Conrad Hise, George Reyner, Peter Swab, George Aaron and others, containing one hundred and fifty acres, more or less, in compliance with an agreement of compromise entered into between the said administrator and the said Jacob Himes, on the twenty-ninth day of March, one thousand eight hundred and forty-two.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 97.

AN ACT

Regulating certain election districts; extending the time for commencing the Ebensburg and Susquehanna plank road; and relative to a certain school district in Washington county; and to the Farmers' fire insurance company of Upper and Lower Saucon townships, Northampton county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors of Ringgold township, Jefferson county, shall hereafter hold their township and general elections at the Ringgold school house, in said township.

Ringgold tp.,
Jefferson co.

Cameron tp.,
Northumberland co.

SECTION 2. That hereafter the qualified citizens of Cameron township, Northumberland county, shall hold their general and township elections at the house of Gideon Derks, in said township.

Washington tp.,
Clarion co.

SECTION 3. That hereafter the general and township elections in Washington township, Clarion county, shall be held at the house now occupied by Benjamin Grable, in said township.

Third section of
act of 10th May,
1859, extended.

SECTION 4. That the provisions of the third section of the act entitled "An Act to incorporate the Ebensburg and Susquehanna plank road company," passed the tenth day of May, one thousand eight hundred and fifty, be, and the same is hereby extended for the term of one year, and that the capital stock of said company be increased to fifty thousand dollars.

Superintendent
of common
schools, to pay
certain moneys
to Monongahela
City school dis-
trict.

SECTION 5. That the Superintendent of Common Schools be, and he is hereby directed to pay to the treasurer of the Monongahela city school district, in the county of Washington, the share of the State appropriation to which such district was entitled for the year one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, and also, the amount that will be due for one thousand eight hundred and fifty-three: *Provided*, The directors of said district find it necessary to apply the school tax of this year, one thousand eight hundred and fifty-three, to the payment of debts incurred in the erection of a suitable house for the accommodation of the youth, but the payment of the amount for the two first years to be absolute.

Sixteenth sec-
tion of act No.
316, of 1851,
amended.

SECTION 6. That the sixteenth section of act number three hundred and sixteen, of the session of one thousand eight hundred and fifty-one, be amended to read as follows: That the premiums paid by each, and every person or persons who may insure in the Farmers' fire insurance company of Upper and Lower Saucon townships, in Northampton county, shall not be less than one-half per cent., nor more than ten per cent. of the amount he may insure, having due regard for the situation of the subject insured, and as the nature of the case shall and may require, and which premium or deposit shall remain as a pledge for the performance of his, her, or their covenants, and that each and every person or persons insuring shall be a member of this corporation and be entitled to all the privileges specified in this act.

SECTION 7. That the sixth section of the act incorporating said company be, and the same is hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 98.

AN ACT

To incorporate the Columbia and Chesnut Hill turnpike road company; and relative to the school district of the city of Carbondale.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* J. H. Mifflin, J. W. Cottrell, P. F. Fry, Henry Mislner, Justus Gray, Commissioners, Jacob M. Greider, Isaac Hinkle, John Cooper, and Daniel Herr, of Lancaster county, or any three of them, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style, and title of “the Columbia and Chesnut Hill turnpike road company” to locate and construct a turnpike road from the borough of Columbia, by way of the Chesnut Hill ore banks, to the Lancaster and Marietta turnpike, at or near Gamblers’, with the privilege of extending the same to Mechanicsville, and intersecting the Lancaster and Mauchheim plank road, in the county of Lancaster, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as they are not inconsistent with this and the following sections. Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of five hundred shares, at twenty dollars per share: *Provided*, The said company may, from time to time, at a meeting of the stockholders called for that purpose, increase their capital stock to such an amount as in their opinion may be required to complete the road according to the true intent and meaning of this act: *And provided, also*, The said company may, at their option, construct a plank road or any part or parts of the same in lieu of a turnpike, as a majority of the stockholders in amount may determine at a meeting to be called for the purpose, due notice thereof to be first given. Capital stock. Proviso.

SECTION 3. That when the said company shall have constructed their road to the Chesnut Hill ore banks, they may erect gates and receive toll. Tolls.

SECTION 4. That the said company may use all or such part or parts of the township road now leading from Columbia to the Chesnut Hill May use parts of a certain road.

ore banks, as may be practicable and for the interests of said company: *Provided*, That said company shall not be required to commence the construction of this road within two years; *And provided*, That said road shall not pass through any lands now owned by the Chesnut Hill iron ore company.

School district of Carbondale, to receive its proportion of school fund.

SECTION 5. That the school district of the city of Carbondale, in the county of Luzerne, shall receive in its proportion of the common school fund for the year one thousand eight hundred and fifty-two, in the same manner as if said district had been regularly returned by the commissioners of said city, and that the Secretary of the Commonwealth is hereby authorized to make a draft for said proportion in the usual manner.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 99.

AN ACT

Conferring additional chancery powers upon the court of common pleas of Berks county; relative to expenses of road views in Berks county; to authorize the school directors of North East ward, Reading, to borrow money; to the place of holding elections in Cumru township, Berks county; to the sale of a school house in Chester county; and to the place of holding elections in the city of Philadelphia, and relative to the collection of taxes in Rockland township, Berks county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the court of common pleas of Berks county shall have and exercise all the like chancery jurisdiction and powers that are conferred upon any other court of this Commonwealth, and in all cases an appeal may be taken to the supreme court for the middle district, from the final decrees of the said courts in suits of equity, on the same terms and conditions as are provided in cases of appeals from the decrees of the court of common pleas of the city and county of Philadelphia.

Court of common pleas of Berks county to have chancery powers.

Road expenses in Berks co.

SECTION 2. That hereafter the expenses of all views and viewers of public roads and streets, and views to assess damages arising from the opening of public roads and streets in the county of Berks, shall be paid by the petitioner or petitioners therefor.

School directors of North East ward, Reading,

SECTION 3. That the school directors of the North East ward of the city of Reading, be, and are hereby authorized to borrow any sum of money not exceeding three thousand dollars, and to secure the re-pay-

ment of the same by judgment or mortgage on the real estate of the said Board of school directors in the ward aforesaid. to borrow money.

SECTION 4. That hereafter the qualified voters of Cumru township, in the county of Berks, shall hold their township, special, and general elections at the public house of John Beidler, now occupied by Isaac Enis, in said township. Cumru tp., Berks co.

SECTION 5. That C. Hill Brinton and Marshall Strode, of the township of East Bradford, in Chester county, be, and they hereby are authorized to sell at public sale, after twenty days' public notice of the time and place of sale, the lot of ground situate in said township of East Bradford, containing one-fourth of an acre, more or less, conveyed by James Gibbons by deed dated twenty-sixth August, one thousand eight hundred and seven, to certain persons in said township, for the purpose of erecting a school house, together with the school house which has been erected thereon, and after paying the necessary expenses attending the same, that they pay the balance of the proceeds thereof into the hands of the treasurer of the common school fund for the district or township of East Bradford, to be used by the school directors thereof for common school purposes. C. Hill Brinton and Marshall Strode, authorized to sell certain land.

SECTION 6. That the select and common councils of the city of Philadelphia shall have the power to change the places of holding elections in the different precincts in said city, whenever, from any cause it shall appear that it is impracticable to continue the elections in the places in which they are now held. Select and common councils of Philadelphia, fixing places of holding elections.

SECTION 7. That from and after the next assessment of taxes, the collection of State and county taxes in the township of Rockland, in the county of Berks, shall be given to the lowest bidder for the same, proposals to be presented to the commissioners of said county at least three weeks prior to the giving out of said collection of taxes, and the difference between the compensation now allowed by law for the collection of such taxes, and the bids obtained under the provision of this section, shall be paid into the common school fund of said township: *Provided*, That the said collector shall give good and sufficient security to the said commissioners of said county for the true and faithful performance of their duty in the collection of said taxes. Collection of State and county taxes in Rockland, Berks co.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 100.

A SUPPLEMENT

To an act entitled "An Act to incorporate the New Castle and New Wilmington plank road company," approved the eleventh day of April, Anno Domini, one thousand eight hundred and forty-eight.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the following words in the third section of the act to which this is a supplement, viz. : That no person shall be permitted to subscribe for more than twenty shares, be, and the same is hereby repealed.

Repeal.

Construction of
section nine.

*SECTION 2. That section nine of said act shall read as follows: It shall, and may be lawful for the president and managers of said company to lay out the route or track of said road, beginning at the eastern abutment of the new county bridge over the Shenango river. near the works of the Cosala iron company in Shenango township, Lawrence county, Pennsylvania; and thence through the borough of Newcastle to such point as they shall select, in or near the village of New Wilmington, in Wilmington township, in said county, and for this purpose it shall and may be lawful for the said president and managers, their surveyors, engineers, artists and workmen to enter in and upon the lands, tenements and enclosures through and over which the said company may locate said road or lay out the same, to examine the quarries of stone and gravel, and all other materials that may be necessary in constructing said road, and to make survey, ascertain and fix the route of said road between the limits aforesaid, and to take and occupy for the bed of said road such public streets, roads and bridges as said president and managers may think necessary, and that that portion or distance from the State road leading from Mercer to New Castle, and of any other road or roads, upon which said president and managers may think proper to build and locate said plank road shall be, and is hereby declared vacated: *Provided, That said company shall also have authority to build and construct, in like manner and subject to like regulations, lateral roads not exceeding three miles in length.**

Proviso.

Construction of
section twelve.

SECTION 3. That section twelve of said act shall read as follows: As soon as the company shall have perfected one mile of said road, and so from time to time as additional portions shall be completed, the said president and managers shall be, and they are hereby authorized to erect and fix such, and so many toll gates or toll bars upon and across the said road as shall or will be necessary and sufficient to collect the tolls hereinafter granted to the said company, from all persons traveling in or on said road with horses, cattle, carts and other carriages, and it shall and may be lawful for the said company to erect within the limits of their road, at each of their gates or toll bars, a toll house or dwelling house for the use of the toll-gatherer at such gate.

Construction of
section thirteen.

SECTION 4. That section thirteen of said act, to which this is a supplement, shall read as follows: That when said road or any part thereof is completed from time to time as aforesaid, it shall and may be lawful for the company to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from all and every person or persons using said road, the tolls and rates hereinafter men-

tioned, and to stop or cause to be stopped any person or persons leading, riding or driving any horses, cattle, hogs, sheep or other animals, or any coach, wagon, sleigh, sled, train, or other beast or carriage of burden or pleasure, from passing through said toll gate or passing over said road until they shall have respectively paid the same, that is to say, for every mile in length of of said road completed as aforesaid, or fraction of a mile the following sums of money, and so on in proportion for any greater or lesser number of horses, cattle, sheep, hogs, et cetera, to wit: For every score of hogs, sheep or cattle, two cents; for every horse and rider or led horse, two cents; for every horse attached to or hauling a pleasure vehicle, whether buggy, sulkey, sleigh, sled or other vehicle of either business or pleasure under whatever name it may go, two and one-half cents; for every horse, not exceeding three in number, attached to or hauling any wagon, cart, sled or other vehicle of burden, the face of the wheels or soles of which are not more than four inches in width, two cents; where there are more than three horses attached to any such vehicle, two and one-half cents per horse; for every horse, not exceeding six in number, attached to or drawing any vehicle of burden, the wheels or soles of which are over four inches wide, two cents; where there are more than six horses attached to any such vehicle, two and one-half cents, per horse; for every horse attached to or drawing any coach, sleigh, sled or other vehicle, used or employed to convey or transport passengers, two and one half cents, and in case of vehicles drawn wholly, in part, by oxen, mules or other animals, except horses, every such animal shall be estimated as equal to one horse, every elephant or camel shall be rated as equal to three horses, and no vehicle shall be deemed or held to be a vehicle of burden, unless the same at the time of passing over the road shall be used or occupied exclusively with freight or burden, and for all fractional parts of tolls, not equal in value to any denomination of coin in circulation, the said company may take and receive the next highest calculating denomination: *Provided*, That the said company may reduce the rates below the amounts, above specified, and raise them to the amount prescribed by this act at such times and seasons as they may think proper: *Provided also*, That when any person makes use of a fractional part of a mile of the said road, it shall and may be lawful for the said toll-gatherers to charge and collect toll for the whole mile of which said fractional portion forms a part, from each and every person making use of the same: *Provided, further*, That every person or persons using said road shall when required pay to said toll-gatherers the even or exact amount of such toll.

Proviso.

Proviso.

Proviso.

SECTION 5. That it shall and may be lawful for the Cosalo iron company of New Castle, Lawrence county, Pennsylvania, in their corporate capacity to subscribe to the stock of the New Castle and New Wilmington plank road company, and to receive, hold and dispose of the same or any stock subscribed as aforesaid, in the same manner as any other personal property.

Cosalo iron company authorized to subscribe stock.

SECTION 6. That Thomas Falls, Robert H. Peebles, Alexander L. Crawford, A. P. Moore, G. W. Crawford, S. Wilder, William M. Kinley, James D. Clark, John Whaley, David Emory, Wm. Hamilton, P. M'Cormick, Jonathan Ayres, L. L. M'Guffin, and John M. Crawford, be, and they are hereby appointed and substituted for and in the stead of the commissioners named in the first section of the act to which this is a supplement, to do and perform all and singular the duties therein enjoined and set forth in as full and complete a manner as the commissioners originally named.

Commissioners substituted.

Construction of
seventeenth sec-
tion.

SECTION 7. That the seventeenth section of the act, to which this is a supplement, shall read as follows: If the company shall not commence the said road within five years from the tenth day of April, Anno Domini, one thousand eight hundred and fifty-three, or shall not within ten years thereafter complete the same, it shall and may be lawful for the Legislature to resume all and singular the privileges hereby granted, or intended to be granted, to said company.

Repeal.

SECTION 8. That so much of the original act approved the eleventh day of April, Anno Domini, one thousand eight hundred and forty-eight, and of a supplement thereto approved the nineteenth day of April, one thousand eight hundred and fifty, to which this is a supplement, as is hereby altered or supplied, be, and the same is hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON.
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 101.

A FURTHER SUPPLEMENT

To the act of Assembly incorporating the borough of Allentown.

Allentown bo-
rough divided
into wards.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the territory now included within the limits of the borough of Allentown, as defined in the acts of March eighteen, Anno Domini, one thousand eight hundred and eleven, and the annexation ordinances passed by the town council of said borough, on the thirtieth day of August, Anno Domini, one thousand eight hundred and fifty-two, and on the fourteenth day of September, Anno Domini, one thousand eight hundred and fifty-two, under and by virtue of the act of Assembly, approved April third, one thousand eight hundred and fifty-one, entitled "An Act regulating boroughs," be, and the same is hereby divided into wards, as follows, to wit: All that part of the borough bounded on the east by the river Lehigh, on the west by the Jordan, and on the north and south by the northern and southern boundary lines of the borough shall be known and designated as the Lehigh ward; all that portion of the borough bounded on the east by the Jordan, on the north by Hamilton street, and on the south and west by the southern and western boundary lines of said borough shall be known and designated as the south ward; and all that portion of the borough bounded on the east by the Jordan, on the south by Hamilton street, and on the north and

west by the northern and western boundary lines of the borough shall be known and designated as the north ward: *Provided*, That the Lehigh ward shall constitute one school district, and the north and south wards together, one school district as heretofore: *And provided also*, That whenever any additional territory shall hereafter be added to said borough the town council shall have power to declare by ordinance to which of the aforesaid wards the same shall be attached.

SECTION 2. That each of said wards shall constitute and form a separate election district, and the electors therein shall, whenever it may be necessary, vote for and elect for each ward one justice of the peace, one constable, one assessor, one school director (except Lehigh ward, which shall annually elect two school directors), one judge and two inspectors of elections to serve for the terms specified by law, and two members of town council to serve for two years, and shall, also, with the electors of the other wards, vote for and elect one burgess and one high constable to serve one year, and one auditor to serve for three years, which elections shall be held at the places hereinafter mentioned, on the third Friday in March next, by the election officers now in office in said second and third wards, and in the township of Northampton, and thereafter annually on the third Friday in March, by the judges and inspectors in said wards elected under and by virtue of this act, whose returns of the election of borough offices shall be made in the manner specified in the second section of the act of incorporation, approved March eighteenth, one thousand eight hundred and eleven.

SECTION 3. That the ward and all other elections within said borough shall be held at the following places, to wit: In Lehigh ward at the public house now occupied by Tilghman Kleppinger; in south ward, at the public house now occupied by widow Cleckner; and in north ward at the public house now occupied by Samuel Moyer.

SECTION 4. That whenever the persons owning two-thirds of the fronting on both sides of any street for the length of at least one square in said borough, shall determine that the said street be paved or macadamized, and shall present their petition to council for that purpose, it shall be lawful for said council to direct the said improvement to be made under the supervision of the borough engineer, as the petitioners may desire, provided the proposed plan may not be deemed by the council prejudicial to the public good.

SECTION 5. That when such improvement shall have been completed, it shall be the duty of said engineer to lay before the burgess a statement of the entire expense thereof, and also, a complete list of all the owners or reputed owners of lots fronting on said improved street, and setting forth the number of feet front contained in each of said lots, whereupon the said burgess, with the assistance of the secretary, shall proceed to assess the expense as aforesaid, on the said several lot-holders in the exact ratio of the fronts of said lots, and the said burgess shall cause to be delivered to each of said lot-holders or their representatives, a written notice stating the amount so assessed on his or her lot, and appointing a day of appeal to be held not less than ten days after the service of said notice, on which day he shall convene the council at their usual place of meeting for the purpose of hearing appeals and correcting such errors as may be ascertained in said statement and assessment.

SECTION 6. That the council having heard and decided all cases that may thus come before them, shall cause to be delivered to the high constable a certified duplicate of the amounts so charged, whose duty it shall be to collect and pay over to the borough treasurer the amounts so assessed, within thirty days from the date of said duplicate or pre-

Each ward constituted a separate election district.

Places of holding elections.

Paving of streets.

Statement of expense of such improvement.

Certified duplicate to be given to constable.

cept; and in case any of said sums, or any part thereof shall remain unpaid at the expiration of said time, the same proceedings and like remedy shall be had as is provided in the sixth division of section second of the act of Assembly of April third, one thousand eight hundred and fifty-one, for the recovery of expenses for the paving and curbing of side-walks.

Similar improvements in cross-streets and alleys.

SECTION 7. That whenever any portion of any street or alley shall have been improved as herein contemplated, or shall be in course of improvement, it shall be the duty of the corporation to make a similar improvement in the section of the cross streets and alleys within and at the extremities of said improved portions at the expense of the borough.

Part of Northampton tp., annexed to Salisbury tp., and part of Salisbury tp. annexed to South Whitehall tp.

SECTION 8. That all that part of the township of Northampton lying south of the middle of the road leading from Hamilton street, in the borough of Allentown, to Reading, shall be annexed to and constitute a part of the township of Salisbury, in said county of Lehigh, and the residue of said township of Northampton, and that part of said township of Salisbury lying north of said Allentown and Reading road, to be annexed to and constitute a part of the township of South Whitehall, in said county of Lehigh.

Repeal.

SECTION 9. That so much of the act entitled "An Act to incorporate the borough of Allentown," as provides for the election of street commissioners in said borough, is hereby repealed, and it shall be the duty hereafter of the town council of said borough to appoint such street commissioners.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 102.

AN ACT

To authorize the Canal Commissioners to examine the claim of David Leech and company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Canal Commissioners, be, and they are hereby authorized and required to examine the claims of David Leech and company, for damages alleged to have been sustained by them by reason of the destruction of cars and merchandize, by fire in October last at place number seven, on the Allegheny Portage railroad, and also for injury done to their car. and merchandize contained therein, on said road in April and No-

rember last, at planes eight and five, by reason of the cars becoming detached and running down the planes, and if they shall ascertain that said damages or any portion thereof was occasioned by neglect or misconduct of any State officer or agent or any defect in the machinery of the road, they shall assess the same and report the amount to the Legislature with a statement of the facts: *Provided*, That no damages shall be allowed except for the actual injury done to the cars and merchandize contained therein, and no item of damage shall be allowed unless the amount of the actual loss, deducting the value of the damaged cars and merchandize, shall be clearly established by affidavit.

SECTION 2. That the Canal Commissioners be required to have printed in proper form, the second section of "An Act relative to the claim of Hawthorn Freeland and for other purposes," passed the eleventh day of April, one thousand eight hundred and forty-four, and cause the same to be posted conspicuously at the head and foot of each plane on the Allegheny Portage railroad and at such other points on the lines of the public works as they shall deem proper, with a notice attached thereto that they will rigidly on all occasions enforce its provisions.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 103.

A SUPPLEMENT

To the act entitled "An Act authorizing the Governor to incorporate the East Liberty and Penn township plank road company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the East Liberty and Penn township plank road company be, and they are hereby authorized to erect and set up a gate or gates, and levy and collect tolls, when they shall have completed two or more miles of said road next East Liberty.

SECTION 6. That all roads which will be supplied or rendered useless by the location or construction of the said plank road shall be hereby vacated.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 104.

AN ACT

Authorizing the laying out of a State road from Ayr township, in Fulton county, to Warren township, in Franklin county ; and relating to the collection of taxes in Franklin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Archibald M'Cullough, of Franklin county, John Pott and Jacob Haugher, of Fulton county, be, and they are hereby appointed commissioners to view and lay out a public road, commencing at or near the house of David Creuse, in Ayr township, Fulton county, running to the most convenient point between Haven iron works and Licking creek, on the public road leading from the Gap to the Chesapeake and Ohio canal.

Location.

Duties of commissioners.

SECTION 2. That it shall be the duty of the said commissioners or a majority of them, after taking and subscribing an oath or affirmation before some qualified officer of the peace to perform the duties enjoined on them by this act with fidelity and impartiality, to carefully view the ground over which the said road may pass, and lay out the same as near to a straight line, from point to point, as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no place exceed five degrees, excepting only at the crossing of ravines and streams when by moderate filling or bridging the declination of the said road may be preserved within that limit.

To mark the route on the ground.

SECTION 3. That it shall be the duty of said commissioners plainly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties of this act enjoined, the said commissioners are hereby authorized to employ one competent surveyor at a per diem allowance of two dollars, and two chain-carriers and one axeman at a per diem allowance not exceeding one dollar, and the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents for each and every day necessarily spent in the discharge of the duties enjoined by this act to be paid in the manner and form hereinafter directed.

Compensation.

Further duties.

Drafts to be made out and filed.

SECTION 4. That it shall be the duty of the said board of commissioners to proceed to view and lay out the said road on or before the first Monday of August next or as soon thereafter, as practicable to make out a fair and accurate draft of the location of said road respectively noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof to be deposited in the office of the Secretary of the Commonwealth on or before the first day of December, Anno Domini, one thousand eight hundred and fifty-three, and one copy in the offices of the clerks of the courts of the respective counties in which said road may be laid out on the day aforesaid or as much sooner as practicable, and said road shall, to all intents and purposes, be a public highway, and shall be opened to the breadth and repaired in

all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

SECTION 5. That the account of said commissioners for their own pay and the pay of the surveyor, chain-carriers and axemen, et cetera, shall be made out and returned to the commissioners of such counties in which said road may be laid out in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties on warrants drawn in the usual way. Accounts, now settled.

SECTION 6. That in case any vacancy in said board of commissioners should occur by resignation or otherwise it shall be filled by the majority of said commissioners or appointment by the judges of the court of quarter sessions of the county in which said person or persons causing said vacancy shall have resided. Vacancies.

SECTION 7. That it shall be the duty of the supervisors of the several townships through which said road shall pass, upon notice given, to proceed at once and open and make the said road as other roads are made, and on failing to comply the said supervisors or any of them, shall forfeit and pay a fine not less than fifty dollars, to be collected as other fines are collected, and said fines shall be applied to the use of said road. Duties of supervisors.

SECTION 8. That hereafter it shall be the duty of the commissioners of the county of Franklin, in each and every year, immediately after the assessment of taxes for state and county purposes shall be completed in the manner prescribed by law, to cause their clerk to make fair duplicates thereof in a convenient form and deliver the same to the treasurer of the said county, together with a certificate under their hands respectively, and attested by their clerk certifying that the taxes charged in said duplicates have been duly assessed according to law. Duties of commissioners of Franklin co., in relation to the collection of taxes.

SECTION 9. That it shall be the duty of the county treasurer, of said county, after he shall receive the duplicates of the assessments from the county commissioners as hereinbefore provided, to give at least thirty days' notice by weekly publication in one or more newspapers printed in said county, of the times and places at which he will attend in each township and borough, in said county, for the purpose of collecting and receiving State and county taxes, and it shall be the duty of the said treasurer to attend at least two days in each township and borough in said county, for the purpose aforesaid, previous to the first day of August in each year, and he shall give receipts for taxes in all cases when required by the person paying the same: *Provided*, That if any person shall on or before the first day of August aforesaid pay to such treasurer the amount of his or her taxes, such person shall be entitled to a deduction of five per centum on the amount thereof, which shall be in lieu of the abatement of five per cent. allowed the county by the forty second section of the act to reduce the State debt, etc., passed the twenty-ninth day of April, one thousand eight hundred and forty four. Duties of county treasurer.

SECTION 10. In case any State or county tax assessed in any township or borough within the said county, shall remain unpaid for a period of thirty days from and after the first day of August aforesaid, it shall be the duty of the treasurer to issue his warrant under his hand, accompanied by a schedule of all such unpaid taxes, and the names of the persons respectively to whom the same are charged in the proper duplicate, directed to the constable of the proper township or borough, whose duty it is hereby made to receive the same, authorizing and requiring him to demand and receive from the persons named in the Treasurer to issue his warrant in case of non-payment of taxes.

schedule the sums with which they are therein charged respectively; and the said warrant shall further authorize and require such constable, in case any person named in the schedule thereto annexed shall fail to pay the amount with which such person is therein charged, within ten days after demand therefor made by such constable, to levy the same by distress and sale of the goods and chattels of such delinquent, giving ten days' public notice of such sale by written and printed advertisements, and in such case the constable shall be entitled to retain out of the proceeds of such sale after first deducting the taxes, the same fees as are now allowed to constables by law for a levy and sale upon a writ of execution.

Treasurer to charge constable with amount of taxes in Schedule.

SECTION 11. That upon the delivery by the county treasurer of his warrant to any constable according to the provisions of this act, he shall charge such constable with the whole amount of taxes contained in the schedule thereto annexed, in a book to be provided for the purpose, from which liability such constable and his sureties under the provisions of this act, shall only be discharged by payment of said amount, after deducting such exonerations as may be allowed to such constable and certified to the said treasurer by the county commissioners for mistakes, indigent persons, unseated lands, and other cases wherein exonerations are now by law allowed to collectors of taxes.

Duties of court of quarter sessions.

SECTION 12. That it shall be the duty of the court of quarter sessions in and for said county of Franklin, before they shall appoint constables, to require from them a bond in the name of the Commonwealth, in such sum and with such sureties as shall be approved by the said court conditioned for the faithful discharge of the duties imposed upon such constables by this act, and for the payment to the proper county treasurer of the full amount of taxes contained in any warrant and schedule which shall be delivered to them or any of them, by the county treasurer of said county, after deducting exonerations within four months from and after the date of the delivery of any such warrant as aforesaid.

Duties of constables.

SECTION 13. That it shall be the duty of constables who shall receive warrants from the county treasurer of said county, under the provisions of this act to settle their accounts, obtain their exonerations, and pay over to the treasurer of said county all moneys collected by them in pursuance of the said warrants, within four months from and after the day of delivery of such warrants to them respectively, which day shall be endorsed on each warrant by the treasurer issuing the same, and shall also be by him entered in a book to be by him kept for that purpose, which book, verified by the oath or affirmation of such treasurer, or in case of his death, absence out of the State, or other inability to appear and testify, by the oath or affirmation of any credible person proving the hand writing of such treasurer, shall be competent evidence to establish the fact of the delivery of any warrant or warrants to any constable or constables as aforesaid in any court of law in this Commonwealth.

Treasurer to cause an action to be brought against constable on failure to pay.

SECTION 14. That in case any constable shall fail to make the settlement and payment required in the preceding section of this act within the time aforesaid, it shall be the duty of the treasurer of said county immediately to cause an action of debt in the name of this Commonwealth to be brought upon the bond of such constable, and if upon the trial of any such suit it shall appear that such constable has not complied with the provisions of this act, judgment shall be rendered against the defendants therein for the amount for which such constable is delinquent, together with interest at the rate of twelve per centum per annum from and after the expiration of the aforesaid period of four

months and full costs of suit, and in all such cases there shall be no stay of execution or other stay, any law to the contrary notwithstanding, but it shall be the duty of the said treasurer to prosecute such judgment to execution and satisfaction without delay.

SECTION 15. That if any treasurer or constable shall fail or refuse to perform any of the duties required of them respectively by this act, he or they shall for every such offence forfeit and pay a fine of fifty dollars, which shall be recoverable in the name of the Commonwealth at the instance of any person who will sue therefor, in the same manner as debts of like amount are now by law recoverable, with costs of suit, and one moiety thereof shall be paid into the treasury of the Commonwealth, and the residue to the person suing for and recovering the same. Penalty for refusal to perform duties.

SECTION 16. That in lieu of the per centage now received by the treasurer of said county on State taxes by him paid into the State Treasury, he shall hereafter be entitled to deduct and retain out of the gross amount of moneys collected and received by him for the use of the Commonwealth under the provisions of this act, the sum of six per cent. on the amount accounted for and paid over by him to the State Treasurer, four per cent. of which shall be passed by him to the credit of the county. Compensation.

SECTION 17. That it shall be the duty of the commissioners of the said county of Franklin to deliver the duplicates of assessments for the present year to the county treasurer on or before the first day of May next, and to deliver the duplicates of assessments for each succeeding year on or before the first day of April. Further duties of commissioners.

SECTION 18. That so much of any law as requires the commissioners of said county to appoint collectors of taxes, and so much of any law as is hereby altered or supplied is hereby repealed so far as relates to the county of Franklin. Repeal.

SECTION 19. That hereafter the pay of assessors in the county of Franklin shall be two dollars per day for every day necessarily required to make the assessment for State and county purposes. Pay of assessors.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 105.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Summit coal company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That on the application of the plaintiff, in any judgment which has been obtained in either of the courts of common pleas of Luzerne or Carbon counties, against the Summit coal company, either one or both of said courts shall, with the concurrence in writing of a majority in interest of the judgment creditors of said corporation, award and direct a writ in the nature of a fieri facias to issue against said corporation, directed to the sheriff of the county, commanding him to levy on the railroad leading to the Beaver Meadow railroad constructed by the same, and it shall be the duty of the sheriff to hold an inquest in the manner usual in sales of real estate on execution, and if the jury of inquest shall find that the whole estate of the said corporation is insufficient for the payment of the debts of said corporation, it shall be the duty of the sheriff, upon the same writ or upon a writ of venditiona exponas, to sell the said railroad leading to the Beaver Meadow railroad constructed by the same, in the manner usual in the sales of real estate on execution, and upon the acknowledgment of the sheriff's deed, the purchaser or purchasers thereof, and such persons as may from time to time be associated with or hold under them, their heirs or assigns, shall forever hold said railroad leading to the Beaver Meadow railroad, with all the rights of way and privileges as to the collection of tolls connected with the same as were vested in said corporation.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 106.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Pittsburg and Steubenville railroad company," passed the twenty-fourth day of March, Anno Domini, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the county of Allegheny, through its commissioners, shall be, and is hereby authorized upon the recommendation of one grand jury, to subscribe an amount not exceeding ten thousand shares to the capital stock of the Pittsburg and Steubenville railroad company, and they are hereby authorized to borrow money to pay therefor, and to make provision for the principal and interest of the money so borrowed, as in other cases of loans to said county, and no certificate of loan or bond shall be for a less sum than one hundred dollars, and shall bear an interest of six per cent. per annum, payable half yearly, for which coupons may be issued, and said certificates or bonds and coupons may be made payable and transferable at such times, manner and places as said commissioners may think expedient, and shall be received as cash, at par, by the said company in payment of the said subscription of stock, and the said county and any other corporation which has heretofore subscribed or may hereafter subscribe to the stock of said company, shall and may, in lieu of voting for the officers of said company at the annual election, be entitled to name and appoint one director for every five thousand shares of stock held by such corporation, such director or directors to be in addition to those now authorized by law, and that said bonds or certificates of loan shall not be sold at less than the par value thereof.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-fourth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 107.

AN ACT

To authorize a settlement with the Bank of the United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorized to receive the sum of one hundred and fifty thousand dollars, in full satisfaction of all claims of the Commonwealth of any kind and nature whatever against the bank of the United States, or any of the trustees to whom its assets may have been assigned in trust for the payment of debts, and to make and execute full acquittances and discharges therefor to the said bank and to the said trustees; and that before the said releases and acquittances shall be executed, the court of common pleas of the county of Philadelphia, shall order and direct what sum shall be paid for expenses incurred in the prosecution and collection of the claim of the Commonwealth, so that the said sum of one hundred and fifty thousand dollars shall be paid into the treasury free of all deductions and abatements whatever: *Provided,* That this act shall not take effect unless the said payment be made on or before the third Monday in March, one thousand eight hundred and fifty-three.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 108.

AN ACT

Authorizing the commissioners of Fayette county and the boroughs of Uniontown and Connellsville, in said county, and the boroughs of Mount Pleasant and Youngstown, in Westmoreland county, to subscribe to the capital stock of the Pennsylvania railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the borough of Uniontown and the boroughs of Connellsville, in the county of Fayette, and the boroughs of Mount Pleasant and Youngstown, in Westmoreland county, are hereby authorized and empowered to subscribe for shares in the capital stock of the Pennsylvania railroad, to be applied to the construction of the Uniontown branch, not

Certain boroughs authorized to subscribe stock to Pennsylvania railroad.

exceeding two thousand shares each, and to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed, by the assessment and collection of such taxes as may be necessary for that purpose, and also, as in other cases of loans to corporations; and no certificate of loan or bond shall be issued by said corporations for a less sum than one hundred dollars, and shall be transferable as shall be directed by said corporations respectively; and the certificates of loans or bonds to be issued by either of the said corporations for the purpose aforesaid, bearing a rate of interest not exceeding six per centum per annum, payable half yearly, may be received by said Pennsylvania railroad company in payment of instalments on shares subscribed by said corporations, in such terms as shall be agreed upon between said company and said corporations.

SECTION 2. That the subscription of stock aforesaid shall be directed by resolution passed by the corporate constituted authorities of said boroughs respectively, and said corporations may be represented at elections and other meetings of said railroad company by agents duly authorized by resolutions of the constituted authorities thereof. Subscription
how directed.

SECTION 3. That the commissioners of the county of Fayette, or a majority of them, be, and they are hereby authorized and empowered to subscribe for shares in the capital stock of the Pennsylvania railroad company, to be applied to the construction of the Uniontown branch, not exceeding five thousand shares, in the name and behalf of said county, and to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed, as in other cases of loans to corporations: *Provided*, That before any such subscription is made, the amount thereof shall be fixed and determined by the grand jury of said county, and upon the report of such grand jury being filed, it shall be lawful for the county commissioners to carry the same into effect by making, in the name of the county, the subscription so directed by said grand inquest: *Provided further*, That whenever bonds of the county are given in payment of subscription, the same shall not be sold by said railroad company at less than par value, and no bonds shall be in less amount than one hundred dollars: *And provided further*, That such bonds shall not be subject to taxation until the clear profits of the road shall amount to six per centum upon the cost thereof. Commissioners
of Fayette co.
authorized to
subscribe stock.

Proviso.

Proviso.

SECTION 4. That the commissioners of said county, or a majority of them, may issue certificates of loan or bonds in the name of said county, redeemable in not less than ten nor more than twenty-five years, bearing a rate of interest not exceeding six per centum per annum, payable semi-annually, which shall be transferable as may be directed by said commissioners or a majority of them, and the said certificates of loan or bonds may be received in payment of instalments on shares of stock subscribed for said county, upon such terms as may be agreed upon by said company and the commissioners aforesaid, and the said county may be represented at elections and other meetings of said company by agents duly authorized and appointed by resolutions of the board of commissioners of said county. Certificates of
loan.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The first day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 109.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Coal Run improvement company," approved the eleventh day of March, Anno Domini, one thousand eight hundred and fifty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Coal Run improvement company be, and they are hereby authorized to construct a railroad from a point at or near the tract of land near the county line, in Northumberland county, known as the Peter Smith survey, and to connect the same with the railroad of the Catawissa railroad company, by such route as they shall deem most expedient under the provisions, and subject to all the rights, privileges, limitations and restrictions of the act of the nineteenth of February, one thousand eight hundred and forty-nine, entitled an act regulating railroad companies, and that said company may hold such lands in Columbia and Northumberland counties as they shall see proper: *Provided,* That the whole amount of land to be held and owned by said company shall not exceed the amount to which they are limited by the act to which this is a supplement.

SECTION 2. That the corporate name of said company is hereby changed and made the Coal Run improvement and railroad company, and that said company shall be authorized to connect the eastern end of their said railroad with any other railroad at or near the same.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The second day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 110.

AN ACT

Authorizing the Pennsylvania railroad company to run their cars over connecting and continuous railroads

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Pennsylvania railroad company be, and they are hereby authorized to run their cars and locomotives over all connecting and continuous railroads, with the consent of the companies owning the same, and also, their cars over the railroads belonging to this Commonwealth, for the transportation of freight, passengers, their baggage, and the United States mails, with the right of attachment to the motive power of the State, employed for these respective purposes, upon such terms and conditions as may be agreed upon between the Canal Commissioners and said Pennsylvania railroad company, or in case of failure to agree then upon terms and conditions that shall not be less favorable to said company than those that may be established from time to time, by the Canal Commissioners, for the government of individuals doing business on said railroads, except those engaged in the transportation of freight passing the whole distance between Philadelphia and Pittsburg, over the public works: *Provided,* That nothing herein contained shall be so construed as to effect or impair the contract made with Bingham and Dock, for the transportation of passengers and mails over the Philadelphia and Columbia railroad by said Commissioners, which contract is hereby confirmed: *Provided,* That the Legislature hereby reserves the right to repeal this act of Assembly, in such manner, however, that no injustice shall be done to the parties: *And provided,* That the Canal Commissioners shall at all times be required to run a sufficient number of engines between Lancaster and Philadelphia, to accommodate the local and way freight.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The third day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 111.

AN ACT

To incorporate the Southern Philadelphia medical college.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Wm. Henry Klapp, D. Francis Condie, Neville C. Reid, John W. Jones, Francis Scoffin, William Henry, Scott Stewart, Samuel K. Ashton, Edward Watson, William Notson, and J. M. Thacker, their associates and successors, be, and they are hereby constituted and made a body corporate, in law and in fact, under the name and title of the "Southern Philadelphia medical college," and by said name to take all legal and proper measures to advance medical knowledge by instituting professorships and granting degrees under such laws, rules and regulations as from time to time may be determined on after full and timely notice, and with and after the consent of at least the votes of two-thirds of the said corporators, associates and successors.

SECTION 2. That the officers shall be such and so many as from time to time shall be determined on, that no professor shall be an examiner of a student applying for a degree, but that all degrees shall be granted by and after an examination by a board of examiners consisting of seven graduates of medicine who shall be elected for that purpose by the said corporators, et cetera; the said corporators, associates and successors shall hold so much real estate as may be requisite for the successful accomplishment of the purposes intended by these acts of incorporation, and shall dispose of no part of said real estate without the votes and consent of at least two-thirds of the corporators.

SECTION 3. That the said corporators, associates and successors when convened for that purpose, shall have full power and authority to determine or fix and adopt such rates of charges and fees for medical, surgical and obstetrical services as they may deem right, just and proper for the government of the members of the said corporation, and to adopt such other rules and by-laws as may from time to time become necessary to effect the objects of the institute.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The third day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

Corporators.

Style.

Privileges.

Officers.

Rates of charges
and fees.

No. 112.

AN ACT

To incorporate the German Roman Catholic St. Joseph's orphan asylum of the county of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Francis Felix, George Kretz, Boward Buerkle, Maguns Unsia, Joseph Meyer, Anton Benitz, Jacob Elsesser, Philip Person, John Latzkus, and Michael Klem, he, and their associates and successors, are hereby declared and created a body politic, and corporate in deed and in law, by the name, style, and title of "the German Roman Catholic St. Joseph's orphan asylum of Allegheny county," to have perpetual succession, to use a common seal, and the same to break, alter, and renew at pleasure, to sue and be sued, implead and be impleaded in all courts of record or elsewhere, to take, hold, and enjoy lands, tenements, and hereditaments, goods and chattels, or choses in action, and the same from time to time to grant, alien, and dispose of, and to make such by-laws for their government, for the qualification of members, and for the admission of more members into the corporation as they shall deem necessary and proper: *Provided*, That said by-laws shall not be repugnant to nor inconsistent with the Constitution and laws of the United States or of this State: *And provided also*, That the clear yearly rents and profits of the real estate to be held by said corporation shall not exceed in value the sum of ten thousand dollars.

SECTION 2. That the business and affairs of the said corporation shall be transacted and conducted by a board of managers, who shall have the entire control and management of the same, and who shall be annually elected, constituted, or appointed as follows, to wit: The pastors of the German Roman Catholic congregations residing in or within two miles of the city of Pittsburg and city of Allegheny, shall be members of the same, ex-officio; each of the said pastors shall appoint a member who shall be selected from his own congregation, and the corporators shall elect by ballot an equal number with those so constituted and appointed: *Provided*, That the persons employed by the said board of managers for the purpose of instructing and taking care of the children committed to their charge shall be approved by the Roman Catholic bishop of Pittsburg for the time being.

SECTION 3. That the said board of managers shall annually, at their first meeting after the election of managers, choose by ballot from among themselves a president, vice president (who must always be a layman), treasurer, and secretary.

SECTION 4. That the essential objects of the said corporation shall be for the relief, support, maintenance, and education of orphan and destitute children, chiefly of German origin, and the board of managers of said corporation shall be able and capable in law, and they are hereby empowered to receive any such orphan child or children deprived of one or both parents, or children whose parents though living are incompetent or unable to support them.

Orphan children
to be put out as
apprentices.

SECTION 5. That it shall be lawful for the said board of managers, with the approbation and consent of two or more magistrates of the said county, to put out as apprentices any such orphan child or children, or any such child or children, when parents, though living, are found by the said magistrates unable to maintain them, so as that the time or term of years of such apprenticeship, if a male, do expire at or before the age of twenty-one years, and if a female, at or before the age of eighteen years.

Misnomer.

Proviso.

SECTION 6. That no misnomer of the said corporation and their successors shall defeat or annul any gift, grant, devise, or bequest to or for the said corporation: *Provided*, That the intent of the party or parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or for the said corporation.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The third day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 113.

SUPPLEMENT

To an act authorizing the Governor to incorporate the Haverford plank road company.

Extension of
Haverford
plank road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the president and managers of the Haverford plank road company to extend their road from its present termination at Haverford store, about three miles upon the bed of the said Haverford road, the old Lancaster road and the line road between the counties of Delaware and Montgomery, and all the provisions of the act, to which this is a supplement, not hereby altered shall be and remain in full force and effect and shall be applied to the portion of the road hereby authorized to be constructed.

May widen por-
tion of road.

SECTION 2. That it shall and may be lawful for the said president and managers to widen that portion of their road lying in the counties of Philadelphia and Montgomery, to their full, original and recorded width of fifty feet, and the portion constructed and to be constructed, in Delaware county, and along the line between the counties of Delaware and Montgomery, to the same width: *Provided*, That no buildings now erected shall be injured by the widening.

Proviso.

Tolls.

SECTION 3. That it shall and may be lawful for the said president and managers to collect and receive from all and every person, and per-

sons using their road an uniform toll of one cent per mile, and so in proportion for any greater or lesser distance, for every horse and his rider or led horse, and for each and every horse, mule and ox drawing any carriage of pleasure or burden, under whatever name it may go, and such provisions of the act regulating turnpike and plank road companies, approved the twenty-sixth of January, one thousand eight hundred and forty-nine, as are hereby altered or supplied are hereby repealed so far as related to the Haverford plank road company.

SECTION 4. That if any person or persons shall wilfully injure, de- Penalty for in-
face or destroy any gates, posts, buildings or other fixtures of the com- jury to works.
pany, or shall without permission from the acting superintendent throw
out upon the road, or within the limits thereof, any wood, stone, dirt
or rubbish of any kind, and shall suffer the same to remain for the
space of one day after notice thereof shall have been given to the per-
son or persons so offending, he or they shall for each and every such
offence, on conviction thereof by the evidence of one or more credible
witnesses before any justice of the peace of the county in which the
offence shall have been committed, pay a fine not exceeding five dollars
with costs to be recovered as debts of like amount are recoverable for
the use of the said company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The third day of March, A. D., one thousand eight
hundred and fifty-three.

WM. BIGLER.

No. 114.

AN ACT

Authorizing the Governor to incorporate the West Chester and Wilmington
plank road company; relative to magistrates' fees in Chester county; to the
Chester and Media plank road; and to Chichester creek.

SECTION 1. *Be it enacted by the Senate and House of Representa-*
tives of the Commonwealth of Pennsylvania in General Assembly met,
and it is hereby enacted by the authority of the same, That Lewis Commissioners.
Brinton, James Atwood, John B. Taylor, Wellington Hickman, George
Brinton, David H. Taylor, Brinton Jones, William Williamson, J.
Lacey Darlington, John W. Townsend, Doctor Isaac Thomas, A. Har-
vey Levis, David Mcconkey Joseph H. Osborne and James M. Hughes,
of Chester county, and Ziba Darlington, Samuel Painter, Nathaniel
Speakman, Thomas H. Bullock and Ruel Talbot, of Delaware county,
be, and they are hereby appointed commissioners to open books and
receive subscriptions, and organize a company, by the name style and Style.
title of "the West Chester and Wilmington plank road company,"
with power to construct a plank road on the bed of the present public

- Location.** road, leading from the borough of West Chester in the county of Chester, by Darlington's corner Dillworth's town and Painter's cross roads to the city of Wilmington in the State of Delaware, commencing in the borough of West Chester, in the public road aforesaid, at the point where Union street crosses the same, and ending at the Delaware State line at the northern termination of the Concord turnpike, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, excepting that portion of the thirteenth section of said act relating to tolls, which discriminates in favor of wheels of the width of four inches and upwards, and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by the said thirteenth section, without reference to the width of wheels in any case.
- Subject to provisions of certain act.**
- Capital stock.** **SECTION 2.** That the capital stock of said company shall consist of two thousand shares at twenty-five dollars per share; *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and to carry out the true intent and meaning of this act.
- Proviso.**
- Commencement and completion of road.** **SECTION 3.** That if said company shall not commence the construction of their road within two years after the granting of this charter, and complete the same within five years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.
- Fees of justices of peace in Chester co.** **SECTION 4.** That the justices of the peace in the county of Chester, shall be entitled to a fee of twenty-five cents for each and every order of relief for a pauper made out by them, to be paid out of the county funds.
- Sluices upon Chichester creek, Delaware co.** **SECTION 5.** That it shall be lawful for the owners of lands upon that part of Chichester creek, in Delaware county, which lies between the Wilmington great road and the head of tide, or any of them, to fix and maintain a sluice upon said creek at any place between the said points, for the purpose of keeping the tide waters from passing up the said creek; *Provided*, That the consent of all the said land owners be first obtained in writing; *And provided also*, That this section and the privilege hereby granted, shall continue in force for five years and no longer.
- Proviso.**
- Name changed.** **SECTION 6.** That the name of the Chester, Media and Crookville plank road company, be, and the same is hereby changed to the Chester and Crookville plank road company, and its capital stock reduced to four hundred shares at twenty-five dollars per share.
- Repeal.** **SECTION 7.** That the act to which this is a supplement be, and the same is hereby repealed so far as relates to that part of the road which lies between the Philadelphia, Wilmington and Baltimore railroad, and the junction of the Providence and Middletown roads, and that part which extends along said Providence road to Media.
- Repeal.** **SECTION 8.** That the third, fourth and sixth sections of the act to which this is a supplement be, and the same are hereby repealed

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The third day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 115.

AN ACT

To incorporate the Union insurance company of Mercer county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James R. Wicks, F. H. Judd, Wm. Gibson, Joseph McArthur, Charles Campbell, John Philips, Wm. A. Torrey, Edwin D. Knapp, Alex. W. Woodworth, Samuel G. Clark, and D. A. Finney, and all other persons who may become members of said company in the manner herein prescribed, be, and are hereby incorporated and constituted a body politic and corporate, by the name and style of "the Union insurance company," for the purpose of insuring dwelling houses, stores, and other buildings, household furniture, merchandize, and other personal property against loss or damage, whether the same shall happen by fire, lightning, accident, or any other means, except by design of the insured or by the invasion of an enemy, or insurrection of the citizens of this or any of the United States, and by that name may sue and be sued, appear, prosecute, and defend in any court of record or other court or place whatever, may have and hold a common seal, the same to alter and renew at pleasure, may purchase and hold such real estate as may be necessary to effect the objects of this corporation, and the same sell and convey at pleasure, may make and enforce such by-laws, the same not being contrary to the Constitution or laws of this State or of the United States, as may be necessary or convenient for the government or management of its affairs, and may do and perform all such acts and things as may be necessary to carry into effect the provisions of this act.

Corporators.
Style.
Privileges.
Seal.

SECTION 2. That all persons who shall at any time be insured in said company shall be members thereof during the continuance in force of their respective policies and no longer, and shall at all times be bound by the provisions of this act.

Who shall be members.

SECTION 3. That the affairs of said company shall be managed by a board of directors, to consist of not less than seven nor more than fifteen members, as may be regulated by the by-laws of said company, said directors to be chosen by ballot from among the members of said company, and a majority of the whole board shall constitute a quorum for the transaction of business; the persons named in the first section of this act shall be the first directors of said company, and shall continue in office until others may be chosen, and no longer, which directors shall be elected on the first Wednesday in January in each year; such election shall be held at the office of the said company at such hour of the day as the board of directors for the time being shall appoint, notice of which shall be given in one of the newspapers printed in each of the counties of Mercer and Crawford, at least thirty days immediately preceding such election, and such election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election by the board of directors; such election shall be made by a plurality of votes of the members present, or their proxies, allowing to each member one vote for each hundred dollars by

Management of affairs.

him, her, or them insured in said company, and the board of directors are hereby authorized at any of its meetings, to provide a form for the apportionment of proxies, and to specify the evidence that may be required in the execution thereof.

Officers.

SECTION 4. That the board of directors shall elect a president, vice president, secretary and treasurer from among their own members who shall hold their respective offices for the period of one year and till others are chosen in their place, the board of directors may also appoint an executive committee from among their own members, and such committee, when the board is not in session, may exercise all the powers vested in this company, except where the company has by its by-laws otherwise provided; the board of directors may appoint examiners, agents and such subordinate officers as they shall deem necessary, who shall hold their offices during the pleasure of the board.

Failure to elect
not to dissolve
corporation.

SECTION 5. That if it shall at any time happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Rates of in-
surance.

SECTION 6. That the rates of insurance shall be from time to time fixed and regulated by the company, and premium notes therefor shall be received from the insured, which shall be paid at such time or times and in such sum or sums as the company shall from time require for losses and expenses, any person applying for insurance, so electing, may pay a cash premium in addition to the premium note or a definite sum of money, to be fixed by said company, in full for said insurance and in lieu of a premium note.

Division of ap-
plications for
insurance.

SECTION 7 That the said company may divide applications for insurance into two or more classes according to the degree of hazard, the cash premiums and premium notes received for insurance in each class shall constitute resources of that class, the accounts and business of each class shall be kept separate and entirely distinct, the cash premiums and premium notes of one class shall never be used for the payment of the losses or expenses of the other class or classes, when there is a mutuality of expense, as for office rent, advertising &c., it shall be left to the discretion of the directors to specify the sum to be charged to each particular class.

Average in case
of losses.

SECTION 8. That if it ever should so happen that the whole stock and contribution of either class be insufficient to pay and satisfy all the losses in that particular class, in such case a just average shall be made and the payment to be demanded by virtue of any policy in that class shall be a dividend of such stock and contribution in proportion to the amount of loss; should there be an excess of funds the directors shall have power to declare a dividend.

Cash premiums.

SECTION 9. That the cash premiums received by the said company for risks in lieu of premium notes, shall be applied in payment of losses and expenses before any assessment shall be made upon said premium notes, and the said cash premiums, together with the premium notes, shall constitute the capital stock of this company.

Alienation of
property.

SECTION 10. That when any property insured by this company shall be alienated by sale or otherwise, the policy thereupon shall be void, but in such cases it shall be lawful for such insured to assign and deliver to the purchaser or purchasers such policy of insurance, and such assignee or assignees shall have all the benefit of such policy, and may bring and maintain a suit thereon in his, her, or their own names: *Provided*, That before any loss happens he, she, or they shall obtain the

Provide.

consent in writing of the said company to such assignment, and have the same endorsed or annexed to the said policy of insurance.

SECTION 11. That whenever any assessment is made on any premium note given to the Union insurance company for any hazard taken by said company, or as consideration for any policy issued or to be issued by said company, and an action is brought for the recovery of such assessment, the certificate of the secretary of the said company specifying such assessment and the amount due the said company on such note by means thereof, shall be taken and received as prima facie evidence thereof in all courts and places whatever. Certificates of security to be taken as evidence.

SECTION 12. That the board of directors may invest and employ the funds of the said company in such a way and manner as the interests and welfare of the company may require, and the interest and profits thus acquired shall be used for the benefit of said company. Application of funds.

SECTION 13. That the operations and business of the said company shall be carried on and conducted in the village of Jamestown, in the county of Mercer, but no policy shall issue or be issued by said company until application shall be made for insurance of twenty-five thousand dollars at least. Business, where to be conducted.

SECTION 14. That anything by this act authorized or required to be done by the secretary of this company, may be done by the deputy clerk of such secretary having charge of the office, with the consent of the board of directors, with the like effect to all intents and purposes as if done by the said secretary. Duties of secretary may be done by deputy, &c.

SECTION 15. That this act to take effect immediately after its passage, and any two persons named in the first section of this act may call the first meeting of the company for the transaction of business. When act to take effect.

SECTION 16. That the fiscal year of this company shall commence on the first day of January, and end on the last day of December in each and every year. Fiscal year.

SECTION 17. That the Legislature reserves the right to repeal or annul the privileges hereby granted, if at any time they shall prove injurious to the citizens of this Commonwealth; *Provided, however,* That no injustice be done to the corporators. Reservation.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The third day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 116.

AN ACT

To erect the village of Darby, Delaware county, into a borough.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Village of Darby
erected into a
borough.

Boundaries.

the village of Darby, in the county of Delaware, shall be, and the same is hereby erected into a borough, which shall be called the borough of Darby, and shall be bounded and described in the following manner: beginning at a cedar tree on the Darby and Haverford road, on a line between A. Worrall and George Lincoln's land, thence along the line of said Worrall and Lincoln to Darby creek, thence down said creek to the line of Isaac L. Bartram and the heirs of John Ashland, thence along the line of said Bartram and Ash, crossing the Springfield road, and the same line continued between Isaac Bartram and John B. Bartram, to a point in said line that is intersected by a line along a lane running from the Chester road between the lands of William P. Pusey and Samuel Crothers, thence crossing the Chester road and passing through lands of Samuel Crothers, and along the line dividing the land of John Jackson and Samuel Crother's, to a corner of said John Jackson's land, thence along the line of said Jackson's land and passing through lands of Jonathan Heacock and Paxson Price to Darby creek, and thence up said creek to a point opposite the line between Elizabeth Grover and Benjamin E. Moore, thence along said line of Moore and Grover, and William Lincoln, to the west side of a private lane, thence along said private lane to the Philadelphia and Darby plank road, thence along said plank road on the south side of Cobb's creek, thence up said creek to the corner of Hill Pennill's and Lewis Passmore's land, thence along the line of said Pennill's and Passmore, to said Pennill's and Benjamin Serrill's land, thence along the line of Pennill and Serrill to Thomas L. Bonsall's land, thence on the line of said Pennill and Bonsall to the land late of Jacob Lincoln, deceased, thence along the line of Pennill and Lincoln to Jabez Bunting's land, thence on the line of Jabez Bunting and said Pennill to Bunting's lane, thence crossing said lane on the line of Jabez Bunting and Anne Bunting to a corner, continuing on the same course to John H. Bunting's land, thence along a south-west course along the land of Jabez Bunting and John H. Bunting to Josiah Bunting's land, thence by the same course between Jabez and Josiah Bunting to Joseph Bunting's land, and thence a straight course to the place of beginning.

Who shall vote.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the General Assembly, having resided within the bounds of said borough at least three months preceding the election, shall have power on the third Friday in March, annually to meet at the place where the township election for Darby township is now held, and shall then, between the hours of one and seven in the afternoon of said day, elect by ballot one reputable citizen residing therein, who shall be styled chief burgess, and seven citizens of said borough to be a town council, and one citizen of said borough to be high constable; and at the first election held in said borough for borough officers, and thereafter an-

Officers.

nually, there shall be elected a judge and two inspectors to conduct the borough elections in said borough: *Provided*, That the first election for borough officers shall be held and conducted by the officers then conducting the township election for the township of Darby, and that all election officers for said borough shall receive the same fees for conducting future borough elections as are now received for conducting township elections, to be paid out of the borough treasury.

SECTION 3. That from and after the second Monday in April next, Corporation. the burgess and town council and their successors in office, shall be one body politic and corporate, by the name, style, and title of the "bur-Style. gess and town council of the borough of Darby," and shall have perpetual succession, and the said burgess and town council and their successors shall be capable in law to receive, hold, and possess goods, chattels, lands, and tenements, rents, liberties, jurisdictions, franchises, Privileges. hereditaments, to them and their successors, in fee simple or otherwise, not exceeding in value yearly the sum of one thousand dollars, and also to give, grant, sell, let, and assign the same lands, tenements, hereditaments, rents, and by the same name and style aforesaid, shall be capable to sue and be sued in law, to plead and beimpleaded in any of the courts of law in this Commonwealth in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time at their will to change.

SECTION 4. That if any person duly elected as aforesaid shall neglect Fine for neglect or refuse to take upon himself the office of burgess, town council, or high constable, he shall forfeit and pay to the use of said borough or refusal to perform duties. the sum of ten dollars, which fine and all other fines, forfeitures and penalties incurred and made payable in pursuance of this act, or of the by-laws or ordinances of the town council, shall be recovered before the burgess or any justice of the peace in the said county, in like manner that debts of like amount are now recoverable by law, and in case of any death, resignation, removal, or refusal or neglect to accept, or neglect or refusal to act after acceptance of any of the said offices, the burgess, or in case of his death, absence or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept directed to the constable, or when he neglects or refuses to act, then any of the members of the town council shall advertise and hold an election in the manner aforesaid to supply such vacancy, giving at least ten days' notice by advertisement set up in four of the most public places in the said borough; *Provided always*, Proviso. That no person elected as aforesaid shall be required to serve in either of the said offices for a longer term than one year in any one period of nine years unless of choice.

SECTION 5. That the burgess of said borough before entering upon Burgess to take the duties of his office, shall take and subscribe on oath or affirmation oath. before a justice of the peace of said county to support the Constitution of the United States and of this State, and to perform the duties of his office with fidelity, and when so qualified he shall administer an oath or affirmation in manner and form aforesaid to the constable, town council, and town clerk before they shall enter upon their respective duties, and the certificates of the same shall be filed among the records of the corporation; And further, the burgess shall have power and authority to administer oaths or affirmations, when the same may be necessary in the investigation of any matter connected in any way with this corporation, he shall take cognizance and have all the power, jurisdiction, and authority of justices of the peace within said borough, for the suppression of riots and disorderly meetings, for the punishment of vagrants and disorderly persons, as well as in all criminal cases,

Proviso.

and shall have jurisdiction in all disputes arising under the by-laws regulations and ordinances between this corporation and individuals; he shall be entitled to the same fees for like services as justices of the peace are by law entitled, and for the affixing of the seal for other than borough purposes, he shall be entitled to receive fifty cents, and all attestations of the burgess with the seal of the corporation shall be good evidence of the act or thing certified; *Provided*, That neither the burgess nor town council shall be allowed any fees, compensation, pay, or emolument for services rendered as borough officers, or for corporation purposes, or in any case except where the burgess may act under authority as justice of the peace in matters not strictly connected with this corporation.

Meeting of burgess and town council.

SECTION 6. That the said burgess and town council shall meet on the first Monday after their election in each year, and on the first Mondays of July, October and January in every year and oftener if required, at such place as the burgess and council may appoint, at which meetings the burgess shall preside, or in his absence or inability a member pro tem, and at the first meeting after the election in each year, the council shall appoint a town clerk, whose duty it shall be to attend all the meetings of the council when assembled on business of the corporation, he shall take charge of all papers and records and common seal of said borough, and be responsible therefor, and shall keep a fair record of all the proceedings, regulations, by-laws, ordinances, et cetera, of this corporation, and the said burgess and town council shall have power to make, erect, alter, revise, repeal or amend all by-laws, rules, regulations and ordinances, as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantage of the said borough, and particularly providing for the regulation of improving, repairing, and keeping in order the streets, roads, alleys, side-walks and highways; they shall have power to assess and apportion such taxes as shall be determined by a majority of them and also to appoint a street supervisor, treasurer, and such other officers as may be deemed necessary from time to time; *Provided*, That in the assessment of taxes such tax shall not exceed the tax assessed for county purposes on the citizens of said borough; *And provided also*, That from and after the passage of this act, the citizens of the borough of Darby shall be exempted from paying road tax for any property lying within the borough limits of the township of Darby.

Proviso.

Proviso.

Survey of boundaries.

SECTION 7. That the said burgess and town council, four of whom shall constitute a quorum, shall at their first or some subsequent meeting held under and pursuant to this act, cause the lines and boundaries of the said borough to be surveyed, ascertained, fixed and permanently marked out, and shall cause an accurate plot or draft thereof to be made and recorded in the record book of said corporation.

Duties of high constable.

SECTION 8. That the high constable of the said borough shall have the power and authority vested by the laws of this Commonwealth in the constables of the different townships, and is required to receive and execute all writs and process lawfully issued by the said burgess or any judge or justice of the peace of the said county, in the same manner, for the same fees, to the same extent of territory, and subject to the same penalties as may or can be done by any constable of the county aforesaid, and the burgess shall have power to issue his precept to the high constable as often as occasion may require, commanding him to collect all taxes aforesaid, under this act, and the same to pay over to the treasurer, and the high constable, treasurer and street supervisor, shall, before entering upon the duties of their respective offices, enter

into a bond with sufficient security, to be approved by the chief burgess and council, for the faithful performance of their duties, and render to the burgess and town council at the first meeting in every year, a just and true statement of their accounts with this corporation, which being settled and adjusted by said council shall be posted up in two or more public places for general inspection.

SECTION 9. That the burgess and town council shall provide by sufficient ordinances and penalties, that no horses, cattle, sheep, swine or geese shall be suffered to run at large in the said borough, and may make such regulations in respect to dogs as they may think necessary, and the said burgess shall have power and authority to carry into effect whatsoever is enjoined upon him, for the well ordering and governing of the said borough. Further duties of burgess and town council.

SECTION 10. That the burgess and town council shall have power to fix, alter or change the salaries of all officers appointed by them, which salaries shall be paid out of the borough treasury : *Provided*, That such salaries shall be neither increased nor diminished during the time for which said officers were appointed. Salaries of officers. Proviso.

SECTION 11. That the burgess and town council of said borough are hereby authorized and required to have built or otherwise provided and supported in said borough at the expense thereof, a suitable building for the security and temporary detention of any person or persons committed by a justice of the peace of said borough or vicinity, or the burgess of said borough or any member of the town council acting in his place, for any violation of the laws of this Commonwealth, or of the ordinance or ordinances of the borough aforesaid, for which said person or persons could lawfully be committed to the common jail of Delaware county, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or discharged according to law : *Provided*, That no person or persons shall be confined in said lock-up house at any one time for a longer period than twenty-four hours, except such person or persons are charged with an indictable offence, and it may be necessary to detain him or them for a legal examination : *Provided also*, That the expense of committing and keeping any person or persons in said house or place on a charge of an indictable offence, shall be paid by the county of Delaware, on the presentation of proper accounts to the commissioners of said county. Lock-up house authorized. Proviso. Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The third day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 117.

AN ACT

To authorize the Canal Commissioners to examine the claim of Owen Sweeny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Canal Commissioners be, and they are hereby authorized to examine the claim of Owen Sweeny for damages for injury done to two of his cars at plane number six, on the Allegheny Portage railroad, in the year one thousand eight hundred and fifty, and if they shall ascertain that at the time of the accident the said cars were in the possession of the officers or agents of the Commonwealth, and that the accident was occasioned by the negligence or misconduct of said agents or officers, they shall assess the amount of the damages and report the same, together with the facts, to the Legislature: Provided, That no allowance shall be made except for actual injury done to the cars, which shall be established by affidavit.*

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The third day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 118.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Lackawanna and Bloomsburg railroad company," approved fifth day of April, Anno Domini, one thousand eight hundred and fifty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Lackawanna and Bloomsburg railroad company may increase their capital stock beyond the amount authorized in their act of incorporation, any amount not exceeding five hundred thousand dollars, in shares of fifty dollars each, for the purposes in their said act of incorporation, and in this act contained, and the said company are further hereby authorized to borrow for the purposes aforesaid, any sum or sums of money not*

Lackawanna
and Bloomsburg
railroad compa-
ny may increase
capital stock.

exceeding nine hundred thousand dollars, and issue bonds or certificates of loan therefor, with or without coupons attached; the directors of said company shall have power to give to such bonds or certificates such preference and security by mortgage or otherwise, as they may judge expedient and advantageous to said company: *Provided*, That no bond or certificate so issued shall be for a less sum than one hundred dollars, and that the interest payable upon the said bonds or certificates shall not exceed seven per centum per annum: *And provided further*, That no plea of usury shall in any case be interposed against the payment of any indebtedness of the said company hereby authorized. Proviso.

SECTION 2. That the said Lackawanna and Bloomsburg railroad company be authorized to extend their road from Bloomsburg, in Columbia county, to connect with the Sunbury and Erie railroad company or the Susquehanna railroad company, at the town of Sunbury, or northward thereof, at any point in the counties of Northumberland and Lycoming: *Provided*, That no such extension shall be made into the county of Lycoming by way of the valley of Little Fishing creek, unless the Catawissa, Williamsport, and Erie railroad company shall fail to occupy said route and locate their road thereon, within one year from the passage of this act. Lackawanna and Bloomsburg railroad company.

SECTION 3. That the eighth section of the act to which this is a supplement, be, and the same is hereby repealed. Repeal.

SECTION 4. That any railroad company connecting with the Lackawanna and Bloomsburg railroad at either extremity thereof, is hereby authorized to subscribe to the capital stock of the same, and secure the payment of such subscription by the issuing of bonds not less in amount than one hundred dollars: *Provided*, That no such subscription shall be made except by the express assent of a majority of the whole number of directors of such subscribing railroad, and that the whole amount of subscriptions under and by virtue of this section, shall not exceed one-third of the whole amount of the subscribed stock of the said Lackawanna and Bloomsburg railroad company. Connecting railroad may subscribe stock.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The third day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 119.

AN ACT

To erect the village of Cassville, in the county of Huntingdon, into a borough,
and to form a separate school district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Cassville, Hun-
tingdon county,
erected into a
borough.

Limits.

the village of Cassville, in the county of Huntingdon, shall be, and the same is hereby erected into a borough, which shall be called the borough of Cassville, and shall be bounded and limited as follows, viz: commencing at a post corner of land of Nicholas Miller, thence north north fifty-eight degrees west, thirty-six and five-tenth perches to stone in the run; thence south fifty-two degrees west, eight and five-tenth perches to a cherry; thence south seventeen and a half degrees west, seventy-six and five-tenth perches to a stone; thence north seventy-two degrees west, ten and five-tenth perches to a post; thence south thirty-one degrees west, twenty-six and five-tenths perches to corner of church lot; thence north eighty degrees west, forty-eight perches to a post; thence north fifty degrees west, twenty-two perches to stones; thence south seven degrees west, sixty-six perches to post; thence south twenty-six degrees east, seventy-one perches to stump; thence south sixty-five degrees east, seventy-two perches to white oak stump; thence north eighteen degrees east, one hundred and twenty-six perches to stones; thence north five degrees west, thirty-four perches to a pine stump; thence north twenty-five degrees east, sixty-seven perches to the post at the place of beginning.

Who may vote
at elections.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general Assembly, and having resided within the said borough at least three months preceding said election, and having paid a State or county tax within two years, shall have power on the fourth Friday in March, to meet at the public school house in said borough, and on the fourth Friday in March of every year thereafter, and then and there between the hours of one and six in the afternoon, elect by ballot one respectable citizen residing therein, who shall be styled the chief burgess; one other citizen who shall be styled the assistant burgess, and five citizens to serve as a town council, and shall also elect as aforesaid, one citizen to serve as high constable, and one citizen to serve as street supervisor, and also one judge and two inspectors for the ensuing borough election, also a constable, who shall be returned to the next court of quarter sessions; and if one of the justices of the peace for Cass township resides within the limits of said borough, then and in that case said qualified voters shall elect as justice of the peace, to meet the required number for borough of this Commonwealth, all of whom shall be residents of said borough; but previous to the opening of said election, such of the inhabitants as are present at the said place of election, shall select one person as judge, two as inspectors, and two as clerks of said election, who shall conduct said election without compensation for their services according to the general election laws of this Commonwealth, and who shall be subject to the same penalties as for mal-practices as by the said laws are imposed, and the said judge,

inspectors, and clerks, before they enter on the discharge of their respective offices, shall take an oath or affirmation before any justice of the peace of said county to perform the same with fidelity, and after the said election is closed shall declare the persons having the greatest number of votes to be duly elected, and in case any two of the candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two inspectors in presence of the judge, whereupon duplicate certificates of said election shall be signed by the said judge and inspectors, one of which shall be transmitted to the person elected chief burgess, and the other filed among the records of the corporation; and it shall be the duty of the said high constable of each preceding year to give notice in writing to each of the persons so elected; and in case of the death, resignation, removal, or refusal to accept of any of the said offices, or if it should at any time happen that no election should be holden on the day and manner aforesaid, the corporation shall not on that account be dissolved, but the chief burgess, or in his absence or inability to act the assistant burgess, shall issue his precept, directed to the high constable, to hold an election in the manner aforesaid to supply such vacancy, giving at least six days' notice by six advertisements put up in the most public places in said borough.

SECTION 3. That from and after the fourth Friday of March next, the chief burgess, assistant burgess, and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name, style, and title of "the chief burgess, assistant burgess, and town council of the borough of Cassville," and shall have perpetual succession, and the said chief burgess and town council and their successors shall be capable in law to have, get, receive, hold, possess, and acquire goods and chattels, lands and tenements in fee simple or otherwise, not exceeding the yearly value of one thousand dollars, and also to grant, sell let, and assign the same goods and chattels, lands and tenements; and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law of this Commonwealth in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time at their will to change and alter.

SECTION 4. That if any person duly elected to any office aforesaid, and having received notice thereof as directed in this act, shall refuse or neglect to take upon himself the execution of the said office to which he shall have been elected, or having taken upon himself the duties of said office shall neglect to discharge the same according to law, every person so neglecting or refusing, shall for every such offence forfeit and pay the sum of ten dollars, which fine and all fines and forfeitures incurred and made payable in pursuance of this act, or any of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and shall be recoverable as debts of like amount are by law recoverable, and shall be payable forthwith to the treasurer of said borough: *Provided*, That no person elected as aforesaid shall be liable to a fine for neglecting or refusing to serve more than once in three years.

SECTION 5. That the town council shall meet on the first Saturday next after their election in each year, at such place as a majority of them shall agree upon, and choose one of their number president who shall preside at all their meetings, and it shall be the duty of the said council, three of whom shall form a quorum, to hold meetings as often as occasion may require, at which meetings they may enact, alter, revise, repeal and amend all such by-laws, rules and regulations as shall

be determined by a majority of them necessary to promote the peace and good order, benefit and advantage of the said borough, particularly for the regulation of the markets, improving, repairing and keeping in good order the streets, lanes, alleys and highways (under the direction of the street supervisor), ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules relative to the foundation of buildings, walls and fences, they shall assess, apportion and appropriate such taxes as shall be deemed by a majority of them necessary for carrying the said rules and ordinances for the said purposes into complete effect, they shall also appoint a town clerk, collector and treasurer annually, and such other officers as may deemed necessary from time to time, and the same to remove for misdemeanor in office :

Proviso.

Provided, That no by-laws, rules or ordinances of the corporation shall be repugnant to the Constitution or laws of the United States or of this Commonwealth, and that no person shall be punished for the breach of a by-law or ordinance of said corporation, until ten days shall have expired after the promulgation thereof, by at least three advertisements in the most public places in said borough :

Proviso.

Provided also, That in assessing such tax due regard shall be had to the valuation of taxable property, taken for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed one per cent. in the dollar of such valuation, unless some object of general utility may be determined upon by a majority of the taxable inhabitants of said borough :

Proviso.

And provided further, That before the said chief burgess, assistant burgess, town council, constable and supervisor shall enter upon the discharge of their respective duties they shall severally subscribe an oath or affirmation before some justice of the peace of the county, to discharge their respective duties with fidelity :

Proviso.

And provided further, That the said chief burgess and town council shall not receive any compensation for their services, and also that nothing herein contained shall be so construed as to disturb the present election district of Cass township.

Separate school district.

SECTION 6. That the said borough of Cassville and the adjoining farms of David Stever, John Stever and the heirs of Robert Speer, deceased, which at present compose Cassville sub-district, shall hereafter constitute a separate school district and be entitled to elect six school directors at the time of the said borough election, two of whom shall serve one year, two for the term of two years, and two for three years, and annually thereafter, who shall have full power to levy tax for school purposes, open public schools within said district, and do such things as is now provided by law.

Duties of burgess.

SECTION 7. That the chief burgess elected and qualified agreeable to this act, or in his inability to act the assistant burgess, is hereby authorized to issue his precept as often as occasion may require directed to the collector, commanding him to collect all taxes so assessed and to pay the same over to the treasurer, and the chief burgess, or in his inability to act the assistant burgess, is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council, and whatever else shall be enjoined on him for the well-ordering and governing of said borough.

Duties of street supervisors.

SECTION 8. That it shall be the duty of the street supervisor to keep in good repair the streets and highways in said borough, the expense of which shall be paid for out of the funds of the borough levied by the said town council for that purpose; it shall be the duty of the town clerk to attend all meetings of the town council, and perform the business of clerk thereto, and keep and preserve the records of said corporation and be answerable for the same, and also for the

faithful discharge of the duties which may be enjoined on him by this act or of the by-laws of the corporation, and his attestation with the seal of the corporation shall be good evidence of the act or thing so certified; the treasurer shall give sufficient security for the faithful discharge of the duties of his office and for the delivery of all moneys, books and accounts appertaining thereto into the hands of his successors upon demand made for that purpose; the street supervisor, treasurer, clerk and all other officers appointed by the town council shall make annually a statement to the town council for settlement, and the said accounts when so adjusted and settled shall be publicly advertised by the council, showing the amount of taxes levied, amount expended and all moneys paid into the treasury during such year, the said high constable shall give notice of the annual election of the said borough to be held in pursuance of this act, by putting up four advertisements in the most public places in said borough, at least ten days previous thereto, he shall attend and see the election opened in time agreeably to this act.

SECTION 9. That the said chief burgess, assistant burgess and president of the council shall have power to hold a court of appeal annually to remedy any grievances that may occur in assessing the tax under this act.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The third day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 120.

AN ACT

Relative to land and building associations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Powers of land it shall be lawful for all land and building associations now incorporated and building associated under existing laws, who have heretofore purchased or contracted to purchase any lands, to hold such lands in fee simple either in their corporate capacity or by trustee, and to grant, bargain and sell the same or any part thereof, to their stockholders or others in fee simple, with or without the reservation of ground rents, and also to confirm unto the purchasers in fee simple all lands heretofore conveyed by them.

SECTION 2. That all land and building associations hereafter incorporated under existing laws, shall have full power to purchase lands and to sell and convey the same or any part thereof to their stockholders or others in fee simple, with or without the reservation of ground Power to purchase lands.

Proviso. rents; *Provided*, That the sales of lands by said associations hereafter incorporated to others than their stockholders shall be confined to such lands as may have been purchased or contracted for at the original formation of the association; *And provided further*, That the quantity of land purchased by any one of said associations hereafter incorporated, shall not in the whole exceed fifty acres; *And provided also*, That in all cases the lands shall be disposed of within the ten years from the date of the incorporation of such associations respectively.

May purchase adjoining lands. SECTION 3. That should any of the associations now or hereafter incorporated, deem it necessary or expedient to purchase adjoining lands for the purpose of squaring their grounds in conformity with the streets running through or touching their lands, they are hereby fully authorized to make such purchases, and are invested with all the powers as regards the sale and conveyance in fee simple of the same given by this act over the grounds squared by such purchases.

Ground rents. SECTION 4. That all land and building associations are hereby authorized to make sale of and assign or extinguish to any person or persons the ground rents created as aforesaid.

Savings funds and loan associations may purchase at Sheriff's sales. SECTION 5. That any savings fund and loan association incorporated by or under any act or acts of Assembly of this Commonwealth, is hereby authorized and empowered to purchase at any Sheriff's or other judicial sale or at any other sale, public or private, any real estate upon which such association shall then have or hold any mortgage, judgment, lien or other incumbrance, and the real estate so purchased or any other that such association may hold or be entitled to at the passage of this act, to sell, convey, lease, or mortgage at pleasure, to any member of such association.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The seventh day of March, A. D., one thousand eight hundred and fifty three.

WM. BIGLER.

No. 121.

AN ACT

To incorporate the Odd Fellows' hall association of Elizabeth, in Allegheny county; relative to the borough of Providence, in Luzerne county; and authorizing the school directors of the Fourth ward, Allegheny city, to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Nathaniel Stephens, William A. Eberman, C. F. Shugert, William Donaldson, David Lynch, Jesse Doughty, John E. Shaffer, R. C. Ste-

Corporators.

vens, and John Young, and their successors, and all persons who now are or hereafter may be associated with them, be, and they are hereby created and erected into a body corporate and politic, in deed and in law by the name, style, and title of "the Odd Fellows' hall association" *Style.* of Elizabeth, in the county of Allegheny, and by that name shall have perpetual succession, and be able to sue and be sued, plead, and be impleaded in any court of law or equity, and to take and hold to them and their successors either by grant, gift, devise, or lease, any lands or real estate for the purpose of erecting thereon a suitable building or buildings for the use of said association, and also to take and hold for the use of said association any goods, chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise, or bequest, from any person or persons whatsoever, capable of making the same, and the same at their pleasure to grant, bargain, and sell for the use of said association, and generally to do all and singular the matters and things which it shall be lawful for them to do for the well being and due management of the said association: *Provided,* That the real estate of which the said incorporation shall be at any one time possessed shall not exceed the clear yearly [value] of three thousand dollars. *Privileges.* *Proviso.*

SECTION 2. That the persons hereinbefore named are hereby appointed commissioners to do and perform the several acts and things hereinafter mentioned, that is to say, they or such of them as shall act in the premises, being not less than five, shall as soon as conveniently may be, and within three months next after the passage of this act, procure and open a suitable book or books at such time and place as they may designate, in the borough of Elizabeth, of which time and place at least ten days' previous public notice shall be given in the borough of Elizabeth by at least four written or printed handbills, in which book or books they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the trustees and company of the Odd Fellows' hall association of Elizabeth, in the county of Allegheny, the sum of five dollars for each and every share of stock set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the trustees of said association; witness our hands and seals the day of Anno Domini, one thousand eight hundred and fifty ; and at the time and place so designated and named in the public notices to be given as aforesaid, the said commissioners, by themselves or by committees to be by them appointed, shall attend for the purpose of opening the books to receive subscriptions for stock, and the said books shall be kept open at least four hours on such day at the time and place designated in the public notices to be given as aforesaid; and in case ten hundred shares of stock, it being the capital stock to be issued by said association, be not all sold on the day of the first opening of the book, the number remaining unsold may afterwards be disposed of at such time and place, and under such regulations as the trustees for the time being may order: *Provided,* No subscription for such stock shall be valid unless the party or parties making the same shall, at the time of subscribing, pay to the said commissioners or to committees by them appointed, fifty cents in each and every share for the use of the association. *Commissioners.* *Form of subscription.* *Proviso.*

SECTION 3. That said commissioners or at least five of them acting in the premises as aforesaid, shall as soon as conveniently may be after three hundred shares of the stock are subscribed, appoint a time and place for the subscribers to meet in order to organize the said association, and shall give at least fourteen days' previous public notice as is provided in the second section of this act, and the subscribers when *Meeting of subscribers.*

met shall by ballot elect by a majority of the voters present, one president and six trustees, residents of said county, to conduct and manage the affairs and business of said association until the first Friday of January of the next following year, and until others are chosen, and shall annually thereafter at such time and place as the by-laws of said association shall provide, elect one president and six trustees as aforesaid, and the three commissioners first named as aforesaid, shall be judges of the election of said officers, and the judges of all future elections shall be appointed by the president for the time being, and notice of such election shall be given in such manner as the by-laws shall provide.

Object of association.

SECTION 4. That the object of said association shall be to provide, erect, and furnish a hall or suitable building or buildings in the borough of Elizabeth, for the accommodation of the lodge of the Independent Order of Odd Fellows established there, for other beneficial societies; and suitable also, for a room to be used for a library or other purposes.

Seal.

SECTION 5. That it shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter, and renew as they shall think proper, and shall have and exercise all the rights, privileges and immunities necessary for the purpose of the corporation hereby constituted, and as herein expressed.

Powers of trustees.

SECTION 6. That the trustees for the time being, or a majority of them, shall have power to carry out the objects of the association as hereinbefore expressed, to conduct and execute the business and affairs of said association, to provide for the investment of the funds of the association in such manner as they shall deem most safe and beneficial, to provide for paying all the necessary expenses of conducting the affairs of said association, to give bond with approved security for the faithful paying over to the treasurer such funds of said association as may come into their hands, such bond and security to be approved of by a majority of the members present at any regular meeting of said association, and generally to pass such by-laws as shall be necessary to the exercise of their duties aforesaid as trustees of said association, and the said by-laws from time to time to alter and repeal: *Provided*, That such by-laws shall not be contrary to the constitution and laws of this Commonwealth or of the United States.

Proviso.

Duty of President.

SECTION 7. That it shall be the duty of the president at least once in every year, to wit, on the first Friday of January thereof, to appoint from the members of said association three competent persons as a committee of examination, whose duty it shall be to examine the financial and other affairs of said association, and to make report thereof on the second Friday of said month to the trustees, whose duty it shall be to lay the same before the association at its next stated meeting ensuing; it shall be the duty of the president and trustees on the third Fridays of January and July in each and every year, to make and declare a dividend of the interest and profits of said association after paying its expenses, and the same to pay over to the stockholders or legal representatives within thirty days thereafter: *Provided*, That the dividend so paid shall in no case exceed six per cent. per annum to said stockholders.

Proviso.

Further duties.

SECTION 8. That it shall be the duty of the president and trustees on the third Fridays of January and July in each year, after paying the dividends provided for in the foregoing section, and after having appropriated so much of the funds as in their discretion will be necessary for defraying the ordinary expenses of the association for the ensuing six months, to apply all the remaining funds to a pro rata cancellation of the shares of stock then in the hands of the stockholders,

said remaining funds to be considered as a semi-annual sinking fund for the redemption of said shares of capital stock.

SECTION 9. That the Legislature hereby reserves the right to alter Reservation. or amend the charter hereby granted, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner however that no injustice shall be done to the corporators.

SECTION 10. That it shall be the duty of the citizens of the bor- Auditors to be ough of Providence, in the county of Luzerne, at their first election elected. to be held under charter, to elect three persons to serve as auditors who shall serve, one for one year, and one for two years, and one for three years, and annually thereafter, one person to serve as auditor for three years, also two persons for street commissioners for one year, who shall have the same power and be subject to the same penalties for neglect of duty in keeping the streets and side-walks in repair and free from obstruction according to the regulation and ordinances of said borough, that supervisors of the respective townships of this Commonwealth are for neglect of duty in removing obstructions and repairing highways, and which shall be enforced and collected in the same manner

SECTION 11. That it shall be the duty of the auditors elected at the first election, and they shall have power to settle all claims and demands against any person or persons who may have held any office in said borough, by virtue of an election or appointment, or may have any claims against said borough, or against whom the borough of Providence may have any claims arising upon, either expressed or implied, since the fourteenth day of March, one thousand eight hundred and forty-nine: *Provided further*, That said auditors shall have the same power to compel the attendance of persons now conferred by law upon township auditors for the settlement of their respective accounts.

SECTION 12. That the school directors of the Third ward, Alle- School directors of third ward, gheny city, be, and they are hereby authorized to borrow such amount of money as may be required to pay off and discharge the debts in- Allegheny city, to borrow money. curred by the purchase of of lots and the erection of the public school house in said ward, and to secure to the lender the re-payment of the same by judgment or mortgage on the said lots.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The ninth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 122.

A SUPPLEMENT

To an act authorizing the trustees under the will of George Roberts, deceased, to apply certain of their trust funds to the improvement of their trust estate; to the sale of certain real estate; and to confirm the title to certain real estate in the city of Philadelphia.

Preamble.

WHEREAS, George Roberts Smith, and Harry Ingersoll, trustees under the will of George Roberts, deceased, were authorized by act of Assembly, bearing date the tenth day of February, Anno Domini, one thousand eight hundred and fifty-one, to appropriate certain of their principal trust funds to the improvement of certain portions of their trust estate :

Preamble.

And whereas, The cost of the alteration of one of the premises therein described, to wit: the property number two hundred and fifty-two Chesnut street, has exceeded the estimate to the amount of nineteen hundred and thirty-nine dollars, which said trustees have no authority to pay :

Preamble.

And whereas, Harry Ingersoll, one of the aforesaid trustees, has, out of his own private funds, expended the sum of forty-five hundred dollars for the purpose of converting the premises, number two hundred and forty-eight Chesnut street, part of said residuary trust estate, into a store, and which to be rendered fully available, requires an additional amount of fifty-five hundred dollars to be expended thereon, and it is just that the amount already expended by him, as well as that about to be expended in the completion of said improvement should be paid out of the trust funds :

Preamble.

And whereas, The aforesaid trustees, by proceeding under a mortgage held by them on the following described premises, to wit: A tract or piece of land or meadow ground situate in the township of Kingessing, and county of Philadelphia, et cetera, have been obliged to purchase the same to protect the interest of their aforesaid trust estate :

Preamble.

And whereas, Said property being wholly without buildings of any kind, is now entirely unproductive, but by a judicious expenditure of money can be rendered a source of revenue to the estate; therefore,

Trustees under the will of George Roberts, deceased, to make appropriation of certain moneys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George Roberts Smith and Harry Ingersoll, trustees under the will of George Roberts, deceased, of the city of Philadelphia, or the survivor of them or their successor or successors in the trust, be, and they are hereby authorized to appropriate out of the principal moneys of their said trust estate the following sums of money for improvements already made and to be made on the following described properties, that is to say, any sum not exceeding two thousand dollars to complete the improvement upon the property number two hundred and fifty-two Chesnut street, in the city of Philadelphia, any sum not exceeding ten thousand dollars, to refund to Harry Ingersoll, trustee as aforesaid, the amount already expended by him on the property number two hundred and forty-eight Chesnut street, and to complete the improvement of said premises, and any sum not exceeding six thousand dollars for the improvement of the tract or piece of land or meadow ground, situate in the town-

ship of Kingessing, and county of Philadelphia, being the same premises which William Deal, sheriff, conveyed unto the said trustees by deed poll, dated July, Anno Domini, one thousand eight hundred and fifty-two, in such manner as may seem to them or the survivor of them, or their successor or successors in the trust, fit and expedient, and for the money so expended and converted as aforesaid, they shall be entitled to credit in their respective accounts: *Provided*, That the said trustees or the survivor of them or their successor or successors in the trust shall first obtain the written consent of the present cestui que trust to the proposed application of the trust funds: *And provided further*, That the aforesaid personal estate so converted into realty shall be held, enjoyed, and shall pass in like manner as the residuary real estate devised by said testator. Proviso.

SECTION 2. That the trustees of the Second Presbyterian church, in the city of Philadelphia, be, and they are hereby authorized to lease upon ground rent, or to sell and convey in fee simple all that lot or piece of ground (being part and parcel of a larger lot of ground belonging to the trustees of the Second Presbyterian church, in the city of Philadelphia aforesaid), situate on the north side of Noble street, at the distance of one hundred and twenty-eight feet three inches eastward from the east side of Delaware Sixth street, in the Northern Liberties, in the county of Philadelphia, containing in front or breadth on the said Noble street sixty feet, and extending in length or depth northward of that width seventy feet, bounded northward and eastward by other ground of the trustees aforesaid, southward by the said Noble street, and westward by a ten feet wide alley running northward from the said Noble street: *Provided*, That before the said trustees shall make and deliver a deed or deeds for the said real estate to the purchaser or purchasers thereof, they shall first give security by bond or recognizance to the Commonwealth, in such manner and amount as the court of common pleas of Philadelphia county shall approve, for the faithful application of the proceeds of the sale of said real estate. Trustees of Second Presbyterian church in Philadelphia, to lease a lot on ground rent.

WHEREAS, Jacob Stembeck, high sheriff of the city and county of Philadelphia, in the Commonwealth of Pennsylvania, by deed poll bearing date the twenty-twird day of March, Anno Domini, one thousand eight hundred and twenty-nine, duly acknowledged in open district court, for the city and county of Philadelphia, on the twenty-fourth day of March, Anno Domini, one thousand eight hundred and twenty-nine, and entered among the the records thereof, in sheriff's deed book E, page two hundred and fifty-nine, et cetera, did grant and convey unto the Mutual benefieial society of the city and county of Philadelphia, their successors and assigns, all those messuages or tenements, and lot or piece of ground thereunto belonging, marked in the general plan of the city lots from two thousand two hundred and ninety-six to two thousand three hundred and one inclusive, situate on the south side of Lombard street, and on the west side of Eighth street from Schuylkill, in the said city of Philadelphia, containing in breadth, east and west on said Lombard street, one hundred and eighteen feet, and in lenght or depth on the said Eighth street, seventy-eight feet, bounded northward by Lombard street aforesaid, eastward by the said Schuylkill Eighth street, southward by ground now or late of Baron Hurst and company, and westward by lot number two thousand three hundred and two, granted to Joseph Mercer: Proviso.

And whereas, The said the Mutual beneficial society of the city and county of Philadelphia, by indenture bearing date the twelfth day of June, Anno Domini, one thousand eight hundred and thirty, recorded Preamble.

at Philadelphia, in deed book A M, number two, page three hundred and nineteen, et cetera, did grant and convey the said messuages or tenements and lot or piece of ground thereunto belonging, hereinabove particularly described, with the appurtenances, unto William Swaim, his heirs and assigns :

Preamble.

And whereas, The said messuages or tenements, and lot or piece of ground thereunto belonging, hereinabove particularly described, with the appurtenances by divers good conveyances and assurances in the law, became vested in James C. Vogdes of the said city, attorney-at-law in fee, and the said James C. Vogdes and Hannah W., his wife, by indenture bearing date the fourteenth day of May, Anno Domini, one thousand eight hundred and fifty-two, recorded at Philadelphia, in deed book T H, number twenty-one, page two hundred and twenty-nine, et cetera, granted and conveyed unto James Culberston, John Williams and James C. Scott, in fee as tenants in common, all that certain lot or piece of ground, being a part of the said above described larger lot of ground, situate at the south-west corner of Schuylkill Eighth and Lombard streets in the said city of Philadelphia, containing in front or breadth, east and west, on the said Lombard street sixty-two feet, and extending of that width in length or depth southward along the west line of the said Schuylkill Eighth street seventy-eight feet, bounded on the east by the said Schuylkill Eighth street on the south by ground now or late of Baron Hurst and company, on the west by other ground belonging to the said James C. Vogdes, and on the north by Lombard street aforesaid, reserving therefore and thereout, unto the said James C. Vogdes, his heirs and assigns, a certain yearly rent or sum of three hundred and ten dollars, lawful money of the United States of America, in half yearly payments on the first day of the months of January and July, in each and every year thereafter forever :

Preamble.

And whereas, Doubts have been entertained in respect to the power of the said the Mutual beneficial society of the city and county of Philadelphia, to hold and convey the said message or tenements and lots of ground, and it is proper that the title to the same should be confirmed ; therefore,

Jas. C. Vogdes' title unimpaired.

SECTION 3. That nothing in any statute of mortmain or in any other statute or law of this Commonwealth relating to corporations, or any other law whatsoever, shall be held or deemed to impair or in anywise to effect the title of the said James C. Vogdes of and in the remaining part or portion of the said above described larger lot of ground, containing in front or breadth east and west on the said Lombard street fifty-six feet, and in length or depth southward seventy-eight feet, and the title of the said James C. Vogdes, of and in the said yearly rent or sum of three hundred and ten dollars reserved as aforesaid, and also the title of the said James Culbertson, John Williams, and James C. Scott, of and in the said lot or piece of ground so as aforesaid conveyed to them by said James C. Vogdes and Hannah W., his wife ; but the said two lots of ground and the said yearly rent or sum of three hundred and ten dollars, shall be held respectively by the said James C. Vogdes, his heirs and assigns, and by the said James Culbertson, John Williams, and James C. Scott, their heirs and assigns, as tenants in common as aforesaid, with the same effect to all intents and purposes as if the said the Mutual beneficial society of the city and county of Philadelphia, had at the time of receiving and executing the conveyances

aforesaid, full power and authority, under their charter, to hold and convey the same.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The ninth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 123.

AN ACT

To consolidate the Lackawanna and Western, and Delaware and Cobb's Gap railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the corporate powers, rights, and privileges of the Delaware and Cobb's Gap railroad company be, and the same are hereby merged in the Lackawanna and Western railroad company, so that by virtue of this act all and singular the property and corporate powers, rights, and privileges of both companies be consolidated and united under said merger, except so much of said powers, rights, and privileges as conflict, in which case the conflicting portion of the act incorporating the Delaware and Cobb's Gap railroad company and its several supplements are hereby repealed, and all provisions of law relative to the Lackawanna and Western railroad company, not herein altered or supplied, shall remain in full force, and so that by virtue of said merger of said companies and the provisions hereof, said Lackawanna and Western railroad company may make and construct a continuous line of railroad from Great Bend to the Delaware river without necessity for transshipment: *Provided*, That the provisions of this act be ratified by the consent in writing of the holders of at least three-fourths of the shares of stock already issued by each company, and adopted by the unanimous resolution of the respective boards of directors, at a meeting duly convened for the purpose, within one year from the passage hereof, and copies thereof transmitted to the Secretary of the Commonwealth to be filed in his office. Corporate powers merged.
Proviso.

SECTION 2. That upon the adoption as aforesaid of the provisions of this act, the corporate powers and privileges of the Delaware and Cobb's Gap railroad company shall cease and determine, and the Lackawanna and Western railroad company shall, by virtue of this act and said consent in writing of three-fourths or more of stockholders and of said resolutions of the boards of directors as aforesaid, thereafter hold and enjoy the same, and the property of said Delaware and Cobb's Corporate powers, when to cease and determine.

Gap railroad company, as fully as if both companies had been originally one, under the name of "the Lackawanna and Western railroad company," so that the combined capital stocks of both companies shall be and become a general stock under this act of union and consolidation; and for which stock, upon the surrender of the certificates already issued, new certificates may be issued, and so that all rights conferred on the Lackawanna and Western railroad company to issue additional or increased shares of stock shall be made applicable to the construction and repairs of the whole line of road from Great Bend to the Delaware river, including the building and purchasing of the necessary works, machinery and devices.

Duties of board
of directors.

SECTION 3. That the board of directors of the said Lackawanna and Western railroad company, by the consent of the bond-holders of the mortgage loan of said company, be authorized to direct and require the trustees of said mortgage to discharge and satisfy the same, and to substitute therefor a mortgage of the same character upon the whole line of railroad and property of said company from Great Bend to the Delaware river, for the united sum authorized by both corporations, and to issue bonds therefor, and to be secured thereby; first, to replace the present bonds of said company, cancelled as aforesaid, and next, for the purposes authorized and intended by the supplement to the act incorporating the Delaware and Cobb's Gap railroad company: *Provided, however,* That if it may not be practicable to obtain a surrender and cancelment of all the bonds now issued, then in such case the said company may issue the amount of bonds now authorized to be issued by the Delaware and Cobb's Gap railroad company, and to secure the payment of the same by a separate mortgage of the whole road from Great Bend to the Delaware river, including any other property of said company, with its corporate rights and franchises, so that said mortgage shall constitute the first lien on the property mortgaged, not already included in any previous mortgage, and shall cover all the property included in the same, subject to any prior lien upon any part thereof.

Subject to pro-
visions of cer-
tain act.

SECTION 4. That said Lackawanna and Western railroad company shall be, and hereby is made subject to all the provisions of the eighteenth section of an act entitled "An Act regulating railroad companies," approved February nineteenth, one thousand eight hundred and forty-nine.

Corporate
name.

SECTION 5. That the corporate name of the Lackawanna and Western railroad company be, and the same is hereby changed to the name style and title of "The Delaware, Lackawanna and Western railroad company," and that each stockholder thereof shall be entitled to one vote for each share of stock, at all elections or meetings of said stockholders for the election of officers of said corporation.

Duties of presi-
dent and mana-
gers.

SECTION 6. That the president and managers of the said Delaware, Lackawanna and Western railroad company be, and they are hereby authorized to pay to the shareholders, entitled to receive the same, semi-annually in each year, interest at the rate of six per centum per annum on all instalments paid by them, and continue to pay the same until the road is completed to the Delaware river, and all the profits or earnings of the said railroad within the same time shall be charged to the cost of construction: *Provided,* That interest shall not be paid upon any share of stock upon which any instalment, which has been called for, remains unpaid: *And provided further,* That the stock of said company shall not be subject to any tax in consequence of the payment of the interest hereby authorized, nor until the net earnings shall realize at least six per centum per annum upon the capital invested.

Proviso.

SECTION 7. That said company shall afford every reasonable facility and convenience for a connection with the Philadelphia, Easton and Water Gap railroad company, which is hereby authorized to be made in such manner as shall avoid necessity for transshipments, and shall so regulate their charges for motive power and transportation that they shall not in any case discriminate against said Philadelphia, Easton and Water Gap railroad company, nor in favor of any other company in this or any other State to the exclusion or injury in any manner of said Philadelphia, Easton and Water Gap railroad company, but said charges shall be so regulated and made between the said Delaware, Lackawanna and Western railroad company, for all passengers and freight passing from one road to the other and over the whole or any portion of said respective lines of railroad, that a pro rata rate per mile on passengers, and a pro rata rate per ton per mile on freight shall be established and charged by each company respectively; and in any contract or agreement which may be made by said Delaware, Lackawanna and Western railroad company with any other company, the said Philadelphia, Easton and Water Gap railroad company shall have the same privileges and advantages in such contract or agreement for the conveyance of passengers or the transportation of freight destined to pass over their road, or any portion thereof, as may in any case be extended to or enjoyed by any other company in this or any other State, and the said Philadelphia, Easton and Water Gap railroad company shall in like manner reciprocate these privileges and advantages with the Delaware, Lackawanna and Western railroad company.

Connection with
Philadelphia,
Easton, and
Water Gap rail-
road.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 124.

AN ACT

Authorizing the incorporation of a company to plank the old Lancaster road from Henderson's store to the Spread Eagle, in Delaware county, entitled "The Radnor plank road company;" relative to certain election districts; to fees for adjusting beam and patent balances, in the city and county of Philadelphia; and relative to the real estate of William Crawford, of Erie county; and to extending the chancery powers of certain courts to Erie county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Aaron Johnson, John G. Henderson, George Leedom, Samuel P. Abraham, John F. Parke, T. Elwood Bennett, Anderson Kirk, George Palmer, Commissioners.

Haydock Garrigues, Vanleer Eaches, Joseph K. Hoskins, Peter Jaquett, Benjamin D. Garrigues, Thomas Davis, William Siter and Enoch Matlack, of Delaware county, Isaac R. Walker and David Wilson, of Chester county, and George F. Curwin and Jos. H. Levering, of Montgomery county, be, and they are hereby appointed commissioners to open books and receive subscriptions and organize a company by the name, style and title of "The Radnor plank road company," with power to construct a road upon the bed of the old Lancaster road from John G. Henderson's store, in Delaware county, to its junction with the Lancaster turnpike, near the Spread Eagle tavern, in said county, a distance of about four and a half miles, said road to be made either of stone or plank or parts of stone and parts of plank as the nature of the case or circumstances of the company may seem to require, subject to all the provisions, regulations and restrictions of "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, except that portion of the thirteenth section of said act relating to the rates of toll, and the company hereby incorporated shall have power to regulate the tolls so as to collect a uniform toll of one cent per mile, and so in proportion for any greater or lesser distance, for every horse and rider or led horse, or every horse mule or ox drawing any carriage of burden or pleasure under whatever name it may go.

Style.

Subject to provisions of certain act.

Widen road.

SECTION 2. That it shall and may be lawful for the said company to widen the road to the full width of forty feet, agreeably to the eleventh section of "An Act regulating turnpike and plank road companies," approved twenty-sixth of January, one thousand eight hundred and forty-nine.

Injuries to works.

SECTION 3. That if any person or persons shall wilfully injure, deface or destroy any gates, posts, buildings or other fixtures of the company, or shall without permission from the acting superintendent, throw out upon the road or within the limits thereof, any wood, stone, dirt or rubbish of any kind, and shall suffer the same to remain for the space of one day after notice thereof shall have been given to the person or persons so offending, he or they shall for each and every such offence, on the conviction thereof by the evidence of one or more credible witness before any justice of the peace of the county in which the offence shall have been committed, pay a fine not exceeding five dollars with costs, to be recovered as debts of like amount are recoverable for the use of the said company.

Capital stock.

SECTION 4. That the capital stock of said company shall consist of one thousand shares, at twenty-five dollars per share: *Provided*, That the said company may from time to time, by a vote of the stockholders at a meeting called for the purpose, increase their capital stock so much as in their opinion may be necessary to carry out the true intent and meaning of this act.

Duties of supervisors.

SECTION 5. That the road commissioners or supervisors of the highways of the townships through which the said road shall pass, shall in addition to the powers vested in them by the act of Assembly, approved April fifth, Anno Domini, one thousand eight hundred and forty-two, authorizing subscriptions to turnpike roads on behalf of townships through which the said roads may pass, be authorized and empowered to borrow money to pay the instalments on the stock so subscribed, and to issue certificates of loan for the same, bearing an interest not exceeding six per cent. per annum, and payable at any time not exceeding ten years, which certificates shall be binding on said townships for said purpose: *Provided*, No certificate shall be issued for a less sum than one hundred dollars.

Proviso.

SECTION 6. That whenever said company shall have finished two Gates and toll. miles or more of said road, they shall have power to erect gates and receive tolls agreeably to conditions and restrictions of sections twelve and thirteen of an act, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

SECTION 7. That if said company shall not commence said road Commencement within three years, and complete three miles of the same from the and completion eastern end thereof, within five years after the passage of this act, this act shall be null and void except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

SECTION 8. That the qualified voters of the township of Roxborough, Roxborough tp., in the county of Philadelphia, shall at the time and place of holding Philadelphia co. the township election on the third Friday of March next, and annually thereafter, elect one citizen supervisor of the roads, whose duties shall be to open, repair, and keep in good order all the roads within the said township of Roxborough, and he shall be entitled to one dollar and fifty cents per day, for each and every day that he shall be engaged in the duties of his office, any act to the contrary is hereby repealed.

SECTION 9. That all the requirements and provisions contained in Fees for beam the third section of the act of the eleventh day of March, eighteen hundred and forty, fixing the fees for adjusting and sealing platform and patent bal- ances. scales be, and the same is hereby extended and applied to all beam or patent balances in the city and county of Philadelphia.

SECTION 10. That from and after the passage of this act, the polls Close of polls. of Tuscarora election district, Bradford county, shall be closed at five o'clock, P. M.

SECTION 11. That hereafter the qualified voters of Shamokin town- Shamokin tp., ship, Northumberland county, shall elect at their usual place of hold- Northumber- ing the spring elections, in the spring of eighteen hundred and fifty- land co. three, two supervisors in and for said township, and all acts passed heretofore in relation to the supervisors in said township, be, and the same is hereby repealed.

SECTION 12. That hereafter the general, special, and township elec- Washington tp., tions in the township of Washington, in the county of Wyoming, shall Wyoming co. be held at the Baptist church on Russel Hill, in said township.

SECTION 13. That Alexander W. Blaine, guardian of the estates Alex. W. Blain respectively of James Crawford, B. F. Crawford, Josephine Crawford, authorized to and Edwin Crawford, minors and heirs of William Crawford, late of sell certain real estate. the township of North East, in the county of Erie, deceased, be, and he is hereby authorized to sell, convey, and dispose of at public or private sale, in fee simple, all the share or shares, estate and interest of his said wards, or any of them, in any lands, tenements or hereditaments, situate in the township of North East aforesaid, to receive the purchase money therefor, to acquit, and forever discharge the purchaser or purchasers, and to make, execute, and deliver in due form of law, all necessary, and proper deeds, acquittances and other assurances to the said purchaser or purchasers, for the lands, tenements, or hereditaments, so sold and conveyed.

SECTION 14. That the provisions of the tenth section of an act of Chancery the General Assembly of the Commonwealth, entitled "An Act ex- powers exten- ding the chancery powers of, and to the jurisdiction and proceedings ded to Erie co. in certain courts, passed April tenth, one thousand eight hundred and forty-eight, be, and the same are hereby extended to the county of Erie,

to have the same force and effect as if the county of Erie had been originally named in said section.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 125.

AN ACT

To incorporate the Shrewsbury and Hopewell plank road company, of York county; to authorize the school directors of Clarksville, Mercer county, to sell a certain school house and lot; and relative to the salary of the port physician of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joel Mitzel, Henry Latimer, Edie Patterson, Robert Richey, James Gerry, Simon Klinefelter, William Mitzell, Isaac Koller, George Hammond, George Brasser, Cornelius Collins, Isaac Beck, John Leib, A. H. Brown, Samuel Grove, Jonathan Ruhl, Thomas Jordan, and Archibald Thompson, and all and every other person or persons becoming members of the company to be styled and titled by the name of the Shrewsbury and Hopewell plank road company, with power to construct a plank road commencing at the crossing of the Baltimore and Susquehanna railroad, at or near Klinefelter's switch at said railroad, in Shrewsbury township, York county, thence through the borough of Shrewsbury to the old Baltimore road, on lands of Edie Patterson, thence through the borough of Mechanicsburg to the Hopewell mills, in Hopewell township, York county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, excepting so much of the eleventh section of said act limiting the raise or fall to an angle of three degrees with a horizontal line: *Provided,* That it shall not exceed an angle of five degrees with a horizontal line.

SECTION 2. That the first five persons named in this act, or any three of them shall be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize said company by the name, style, and title aforesaid.

SECTION 3. That the stock of said company shall consist of one thousand shares, of twenty-five dollars each: *Provided,* That said company may at any time by a vote of the stockholders, at a meeting

Corporators.

Style.

Location.

Subject to provisions of certain act.

Proviso.

Commissioners.

Capital stock.
Proviso.

called for that purpose, increase their capital stock so much as in their judgment may be necessary to carry out the true intent and meaning of this act.

SECTION 4. That the school directors of Clarksville school district, School directors in the county of Mercer, are hereby authorized and empowered to sell of Clarksville to at public or private sale, for such price as they deem fair, the school sell school house and lot of ground lying at the junction of Orchard street with house. South street in said borough of Clarksville, and to make and execute a deed therefor to the purchaser on the payment of the purchase money, and the proceeds of such sale shall be expended in the purchase of another lot and the erection of a new building for school purposes, and this section shall not be subject to any enrolment tax.

SECTION 5. That from and after the passage of this act, the salary Salary of port of the port physician of the port of Philadelphia shall be eight hundred dollars, payable in equal quarterly payments. hundred dollars, payable in equal quarterly payments.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 126.

AN ACT

To legitimate John James M'Kee; erecting a separate election district in the borough of York; relative to the Odd Fellows' hall association, of the borough of Norristown; to the borough of Lawrenceville, in Allegheny county; to the borough of Chambersburg, Franklin county; to the destruction of deer in the county of Tioga; to the settlement of accounts of township officers in the county of Pike; to incorporate the Union hall association of Unionville, in Chester county; to reduce the capital stock of the Columbia bank; and for the relief of William Duchman.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John James M'Kee, a child and son of Catharine Dubbs, of the borough of Harrisburg, in the county of Dauphin, shall have all the rights and privileges of a child born in lawful wedlock, so far as may be requisite to enable him to inherit and transmit any estate whatsoever of his said mother, as fully and effectually as if the said John James M'Kee had been born in lawful wedlock. John James M'Kee legitimated.

SECTION 2. That all those portions of the North and South wards of the borough of York, lying west of the Codorus creek, are hereby constituted a separate district, to be styled the West ward, and that the elections for said district shall be held at the house of Daniel Motter, and that John W. Slosser shall be the judge, and Frederick Zorger West ward, in the borough of York, erected.

and Edward C. Lauman the inspectors, to hold the first election under this act: *Provided*, That nothing contained in this act shall be so construed as to interfere with the common school districts as at present arranged in said borough of York.

Election of officers.

SECTION 3. That at the ensuing election the voters of said ward shall elect one justice of the peace, and all officers required by the other wards of said borough of York.

Odd Fellows' hall association of Norristown.

SECTION 4. That each and every share of stock held by any stockholder in the Odd Fellows' hall association, of the borough of Norristown and county of Montgomery, upon which any instalment remains due and unpaid, may, at the pleasure of the board of trustees, be declared forfeited to said corporation, and all moneys paid upon the shares so forfeited shall be the property of the said corporation: *Provided, however*, That twenty days' notice of said forfeitures shall be given to such stockholders either personally or by advertisement in one weekly newspaper published in the borough of Norristown.

Proviso.

Collins tp., Allegheny co.

SECTION 5. That the qualified voters of that portion of Collins township, Allegheny county, now included in the borough of Lawrenceville, by an extension of said borough limits, under the act of Assembly of twenty-first of April, one thousand eight hundred and fifty-two, shall be entitled to vote at the next and all ensuing elections of borough officers in said borough.

Act regulating boroughs extended to Chambersburg.

SECTION 6. That the provisions of the act regulating boroughs, passed the third day of April, one thousand eight hundred and fifty-one, be, and they are hereby extended to the borough of Chambersburg, in the county of Franklin.

Repeal.

SECTION 7. That the first section of the act of Assembly, approved the ninth day of April, one thousand eight hundred and fifty-two, entitled "An Act to prevent the hunting of deer with dogs in the counties of Tioga, Schuylkill, Potter, and Elk, in the townships of Armagh and Bratton, in the county of Mifflin, and in the townships of Blair, Frankstown, Huston, and North Woodbury, in Blair county," be, and the same is hereby repealed, so far as relates to the county of Tioga.

Settlement of supervisors' accounts in Pike co.

SECTION 8. That from and after the passage of this act, the settlement of the accounts of the supervisors and other officers of the several townships in Pike county, be made annually on the third Tuesday of March.

Preamble.

WHEREAS, Certain citizens of this Commonwealth, hereinafter named, have associated together for the purposes of benevolence and charity, and have, with certain moneys, purchased a lot or piece of ground situate in the village of Unionville, Chester county, and erected on the same a large three story brick hall for the accommodation of the Order of Odd Fellows, and the citizens of the village and its vicinity generally; therefore,

Corporators.

SECTION 9. That J. Dowdall, C. L. Seal, James Smith, W. S. Collier, J. D. Chambers, and their successors, and all persons who now are or may be hereafter associated with them, be, and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name style and title of "Union hall association," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in any court of law or equity and elsewhere, shall be able and capable in law and equity, to take and hold, to them and their successors, either by gift, grant, devise or lease, any lands or real estate for the use of the said association, and also to take and hold for the use of said association, any goods and chattels, sum or sums of money, by gift, grant, bargain, and sale, will,

Style.

Privileges.

devise, or bequest, from any person or persons whatsoever, capable of making the same, and the same at their pleasure to grant, bargain, sell, or lease for the use of the said association, and generally to do and perform, all and singular, the matters and things which shall be lawful for them to do and perform for the well-being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall at any time be possessed, shall not exceed the clear yearly value of six thousand dollars: *And* *Provided*, *provided also*, That from and immediately after the passage of this act, the title to the said lot or piece of ground and the hall thereon erected shall be vested in the aforesaid association as fully, to all intents and purposes, as the same is held by the persons hereinbefore mentioned.

SECTION 10. That it shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter and renew as they shall think proper, and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed.

SECTION 11. That the government of the aforesaid association and the management and disposition of its affairs and property, shall be vested in such officers as the constitution and by-laws of the said association may direct: *Provided*, That a board of trustees, to consist of not less than three persons, shall be elected annually, who shall, at the first meeting after their election in each year, organize by electing a president, secretary and treasurer: *And* *provided, also*, That certificates of stock and certificates of loan shall be issued only by the said board of trustees.

SECTION 12. That this corporation shall have power and authority to make by-laws conformable to this charter, and not inconsistent with the laws of the United States or this Commonwealth.

SECTION 13. That it shall and may be lawful for the directors of the Columbia bank to reduce the capital stock of the said Columbia bank, from three hundred and seven thousand three hundred dollars to two hundred and fifty thousand dollars, which sum shall hereafter be held and estimated as the capital of the said bank for all banking purposes, subject to the provisions of the seventeenth and eighteenth sections of the act entitled "An Act regulating banks," approved the sixteenth of April, one thousand eight hundred and fifty.

SECTION 14. That the State Treasurer be directed to pay to William Duchman, late recorder of Lancaster county, one hundred and twelve dollars and twenty-seven cents: *Provided*, Such amount shall be found to have been overpaid by him, on the final settlement of his account by the Auditor General.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 127.

A N A C T

To incorporate the North-western mutual insurance company of Pennsylvania.

- Corporators.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Henry Cadwell, J. M. Smith, John B. Gunnison, Alfred King, George J. Morton, W. L. Haskins, T. G. Colt, Hiram F. Hale, G. W. Colton, W. C. Curry, William A. Galbraith, M. B. Lowrey, James Skinner, and all other persons who may hereafter associate with them in manner hereinafter prescribed, shall be a body politic and corporate by the name of the North-western mutual insurance company of Pennsylvania, and by that name shall have perpetual succession, and may sue and be sued and hold, purchase, receive and convey real and personal estate (with the limitations hereinafter specified), and may have and use a common seal and alter or change the same at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the charter or the existing laws of this Commonwealth for the management of its property and the regulations of its affairs, but nothing herein contained shall be construed to give unto the said corporation any banking powers or privileges
- Style.**
- Privileges.**
- Further powers of corporation.** SECTION 2. That in addition to the general powers and privileges of a corporation as the same are declared by the foregoing section, the corporation hereby erected shall have power to insure against losses by fire upon any house, tenement, barn, manufactory, store, ware-house or any other building, and on goods, wares, merchandize and effects, hay, grain and other agricultural products, and upon buildings generally, and the risks of inland navigation and transportation, to make, execute and perfect such and so many contracts, bargains, agreements, policies and other instruments as shall or may be necessary and as the nature of the case may require, provided no policy shall be issued by said corporation until applications for insurance shall amount to fifty thousand dollars.
- Real estate.** SECTION 3. That the real estate which it shall be lawful for said corporation to purchase, receive, hold and convey, shall be such as is necessary for the immediate transaction of its business or which shall be conveyed to it in payment of debts due the company.
- Who may be members.** SECTION 4. That all persons who shall hereafter insure with said corporation, and also their heirs, executors, administrators and assigns continuing to be insured in said corporation as hereinafter provided, shall thereby become members thereof during the period they are insured and no longer.
- Affairs of corporation, how managed.** SECTION 5. That the affairs of the said corporation shall be managed by a board of directors, consisting of thirteen members, to be elected and chosen as hereinafter provided, which board shall appoint from their own number one person as president, they shall also appoint one person as secretary and one person as treasurer, of whom they shall require such securities as may be required by the by-laws, and shall have authority to appoint other officers and employ such clerks, agents

and attorneys as may be found necessary for the transaction of the business of said institution, and shall also determine the rates of insurance; a majority of said board shall constitute a quorum to do business.

SECTION 6. That every person who shall become a member of this corporation by effecting insurance therein, shall before receiving his policy deposit his or her promissary note, and a part as shall be determined by the directors shall be immediately paid in, and the remainder of said deposit note shall be payable in part or the whole at any time when the directors shall deem the same requisite for the payment of loss or damage by fire or otherwise, and such incidental charges as shall be necessary for the transaction of the business of the said corporation or any person affecting insurance instead of giving the premium note, may at his or her or their option pay a definite sum in money as may be agreed upon between the applicant and said company in lieu of the premium note required by the first part of this section.

SECTION 7. That the persons named in the first section of this act shall be the first directors, and the business of said corporation shall be done and transacted at such place in the city of Erie, in the county of Erie, as shall be designated by a majority of the directors present at any regular meeting of the board, and said board shall continue in office for one year after the passage of this act, and until others are chosen in their place, which board of directors shall thereafter be elected at such time and place in the city of Erie aforesaid, as the corporation in their by-laws shall appoint, of which election public notice shall be given in at least two of the public newspapers printed in said county, at least thirty days immediately preceding such election; such election shall be holden under inspection of three members not being directors, to be appointed by the directors previous to every election, and such election shall be made by ballot and by a plurality of the members then present, allowing to each member one vote for every hundred dollars insured with said corporation to the amount of one thousand dollars.

SECTION 8. That if it shall at any time happen that an election of the president, secretary or directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation, shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

SECTION 9. That suits at law may be prosecuted and maintained by any member against the said company for losses and damage by fire or otherwise, if payment be withheld or refusal for more than four months after the company are notified of such losses, no member of the company not being in his individual capacity a party of the suit or suits, shall be incompetent as a witness on account of his being a member of the company.

SECTION 10. That it shall be the duty of the treasurer of the said company at the annual meeting, to exhibit in details the condition of the finances of said company, and the names of the person or persons to whom the funds of the company have been loaned, and it shall also be the duty of the secretary and treasurer of said company at the annual meeting aforesaid, or whenever a majority of the board of directors shall require it, to produce all such books and papers as appertain to the business of the company.

SECTION 11. That the president, secretary and directors of said company, may at their discretion divide applications for insurance into two or more classes according to the degree of hazard, and the premium

notes shall not in that case be assessed for the payment of any losses except in the class to which they belong.

Payment of
losses.

SECTION 12. That every member of said company shall be bound to pay for losses and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposit note, and suits at law may be maintained by said corporation against any of its members for the collection of said deposit notes or for any assessment thereon, or for any other cause relating to the business of the said corporation.

Reservation.

SECTION 13. That the Legislature may at any time alter, modify or annul its provisions, in such manner, however, as to do no injustice to the corporators.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 128.

AN ACT

Authorizing Robert Barber and John R. Stratton, to sell certain real estate in Clarion county; relative to the Shermansville and Ohio Line plank road company; to an election district in Washington county; to the Easton and Wilkesbarre turnpike road company; to an election district in Huntingdon county; to the title of a certain school-house property in Chester county; to the high constable of the borough of Youngsville, Warren county.

Preamble.

WHEREAS, William Ferguson, late of Clarion township, in the county of Clarion, deceased, in his lifetime had incurred a heavy expense in erecting a house which was unfinished at the time of his death:

And Whereas, Afterwards to render the same habitable and prevent it from dilapidation and decay, Robert Barber and John R. Stratton, the guardians of the minor children of the deceased, were under the necessity of making further expenditures to the amount of one thousand dollars or thereabouts;

And Whereas, No sufficient funds came into their hands from the administratrix of said deceased to defray the same; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the said Robert Barber and John R. Stratton be, and they are hereby authorized and empowered to sell at public sale, for the highest and best price that can be had therefor, all the right, title, interest and claim which the said William Ferguson had immediately before, and

Robert Barber
and John R.
Stratton to sell
certain real
estate.

at the time of his death, of, in, and to all that certain strip of land, commencing at the north-east corner of the Ferguson lot; thence west along the north line of said tract, fifteen perches to a post; thence south one hundred and thirty-two perches to a post; thence east fifteen perches to the east line of said tract; thence north along said line to the place of beginning, containing twelve acres and upwards, and to make, execute, and deliver the purchaser or purchasers thereof, a deed or deeds, in fee simple, or otherwise, which deed or deeds of conveyance, shall be as good and effectual in law, to all intents and purposes, as if made by the said deceased in his lifetime: *Provided*, That before making such sale, the said guardians shall give sufficient security, to be approved by the orphans' court of Clarion county, conditioned for the faithful appropriation of the proceeds arising from the sale of said real estate: *And provided further*, That the sale be approved by the said orphans' court.

SECTION 2. That the Shermansville and Ohio Line plank road company, incorporated in one thousand eight hundred and fifty, may extend their road from Shermansville to the borough of Meadville, in the county of Crawford. Extension of Shermansville and Ohio Line plank road.

SECTION 3. That Mary Ann Spitler, daughter of Simon and Mary Spitler of Jonestown, Lebanon county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able to inherit and transmit any estate whatsoever, as effectually as if she had been born in lawful wedlock. Mary Ann Spitler legitimated.

SECTION 4. That hereafter the citizens of West Bethlehem township, Washington county, shall hold their general and township election at the house now occupied by Catharine Youman, in the town of Hillsboro, in said township. West Bethlehem tp., Washington co.

SECTION 5. That the election for officers of the Easton and Wilkesbarre turnpike road company, shall hereafter be held at Wilkesbarre, in the county of Luzerne, and so much of the third section of the act passed February eleventh, one thousand eight hundred and three, incorporating said company, as requires the election of officers to be held alternately at Easton and Wilkesbarre, be and the same is hereby repealed. Officers of Easton and Wilkesbarre turnpike road.

SECTION 6. That hereafter the qualified voters of Penn township, Huntingdon county, shall hold their township and general elections at school house number eight, in Middle Ridge, near Philip Garner's, in said township. Penn tp., Huntingdon co.

WHEREAS, A certain lot of ground in the township of London Grove, in the county of Chester, was granted and conveyed by Francis Hoopes and wife of said township, now deceased, in the year one thousand seven hundred and eighty-nine, by deed of trust unto Samuel Sharp, Ellis Pussey, and others, their heirs and assigns forever, for the purpose of erecting thereon a school house and establishing a school, to be under the care and direction of New Garden monthly meeting of Friends, and by a division of said monthly meeting, amicably made, and the establishment of London Grove monthly meeting, the said school property known as the Middle Grove school, was transferred to the care and supervision of said London Grove monthly meeting: Preamble.

And Whereas, All the said former trustees are deceased, and most of their heirs removed and scattered abroad, and some of them without the limits of the State, and no transfer of the right of trust having been made by any of the aforesaid trustees or their legal representatives; therefore, Preamble.

SECTION 7. That William Allen of the township of London Grove, and Ellis Allen of the township of New Garden, both of the county Sale of school property in

Chester co., au- of Chester, and heirs of one of the former trustees of said property, shall have the exclusive power vested in them, and they are hereby authorized to make a transfer of the title to said lot of ground, and the appurtenances to such person or persons as said monthly meeting of London Grove shall approve, for the uses and purposes set forth in the original deed of trust.

Duty of high constable in Youngsville borough.

SECTION 8. That from and after the passage of this act, it shall be lawful for the duly elected high constable in the borough of Youngsville, Warren county, to serve civil and criminal process in like manner and with the same force and effect that borough or township constables can or may do, under the existing laws of this Commonwealth, and that every such high constable before entering upon the duties of his office hereby conferred, shall give security in a sum not less than five hundred dollars, which shall be approved by the court of common pleas of Warren county, and that such high constable shall be entitled to the same fees that other constables are entitled to under the present fee bill, and be in like manner liable for remissness in duty.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 129.

AN ACT

To incorporate the Meadville and Lake plank road company; and relative to the real estate of Simon Heller, deceased, late of Monroe county; and relative to an election district in Crawford county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners. Bailey Courtney, Walter Crocker, Gaylord Church, Frederic Huidecooper, William Reynolds, Samuel A. Torbett, Thomas Van Horne, John M'Namara, James Stratton, and Joseph Kyeenceder, be, and they or any two of them are hereby appointed commissioners to open books, to receive subscriptions, and organize a company by the name style and title of "The Meadville and Lake plank road company," with power to construct a plank road commencing at Meadville, in Crawford county, and thence up the valley of Van Horne's run by the most practicable route to the out-let of Conneaut lake, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved on the twenty-sixth day of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplement thereto.

Style.

Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of Capital stock. eight hundred shares of twenty-five dollars each.

SECTION 3. That if said company shall not commence the construc- Commencement
tion of said road in two years, and complete the same within ten years and completion
from the passage of this act, then this act shall be null and void, ex- of road.
cept so far as the same may be necessary to wind up and settle the
affairs and pay the debts of the company.

SECTION 4. That said company are hereby authorized to erect suita- Tolls.
ble turnpikes or gates for the collection of tolls, so soon as said com-
pany may have completed two and a half or more miles.

SECTION 5. That so much of the act, approved the twenty-sixth day Repeal.
of January, one thousand eight hundred and forty-nine, entitled "An
Act regulating turnpike and plank road companies," as is superseded by
this act, is hereby repealed.

SECTION 6. That Joseph Track, executor of Simon Heller, late of Estate of Simon
Monroe county, deceased, is hereby authorized to sell at public sale so Heller.
much of the real estate of said deceased, as shall be necessary to pay
and discharge the amount due by the estate of said deceased for in-
debtedness of said deceased and expenses of said administration;
and such sale shall be made according to the mode and terms which
may be prescribed by the orphans' court of the county of Monroe,
upon petition to them for that purpose, and the said sale when made,
shall be reported to the said court for their confirmation and approval:
Provided, That before any such order of sale shall be made, the ex- Proviso.
ecutor give security for the appropriation of the proceeds: *And provided*
further, That the surplus of said proceeds shall be distributed by the Proviso.
said court to the devisees of said real estate, according to the last will
and testament of said Simon Heller, deceased.

SECTION 7. That the qualified voters of Richmond township, in Richmond tp.,
Crawford county, shall hereafter hold their general and township elec- Crawford co.
tions at the house of Ira H. Clark, in said township.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight
hundred and fifty-three.

WM. BIGLER.

No. 130.

AN ACT

To incorporate the Pennsylvania poultry society.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* James M'Clintock, Henry J. Brown, Samuel A. Bunstead, A. M. Spangler, David Taggart, J. R. Eshelman, M. Newcomer, E. P. Lutze, A. T. Newbold, William C. Rudman, James C. Cornell, and others who have signed the constitution lately adopted at a meeting for the improvement of the breeding and raising of poultry, be, and they are hereby created a body politic and corporate in law, by the name of the Pennsylvania poultry society, and by that name shall have perpetual succession, and shall have capacity to sue and be sued, and may have a common seal, which at their pleasure may alter or renew, they may take by gift, grant, or devise, bequest or otherwise, lands and tenements, goods and chattels necessary for all the purposes for which the society was instituted: *Provided*, That the annual income therefrom shall not exceed three thousand dollars independent of annual contributions by members, and the same to convey, let out, apply and dispose of for the benefit of the said society as they under their charter and by-laws may direct: *Provided*, That the same shall not be inconsistent with the Constitution and laws of this State.

SECTION 2. This society shall consist of all such persons as are now members or shall hereafter be admitted as such, according to the constitution of the society.

SECTION 3. That the officers of this society shall consist of a president, thirteen vice presidents, a corresponding and recording secretary, a treasurer, and a board of six managers, whose duties are defined in the constitution and by-laws of the society, and whose election is provided for by the same.

SECTION 4. That the funds of the society shall be exclusively appropriated for the payment of premiums and the necessary expenses incurred in holding fairs, and in promoting the poultry interests of the State of Pennsylvania.

Corporators.

Style.

Privileges.

Proviso.

Proviso.

Who shall be members.

Officers.

Funds of society.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 131.

AN ACT

To incorporate the Delaware, Lehigh and Wyoming Valley railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners, George M. Hollenback, George P. Steele, Thomas W. Miner, Alexander H. Bowman, Hendrick B. Wright, Anthony H. Emley, Ziba Bennett, Warren J. Woodward, Jonathan J. Slocum, Samuel P. Collings, Edward Lindsey, Isaac Lewis, Samuel G. Turner, Stiles Williams and Frederick Nagle, of the county of Luzerne, and Milo M. Dimmick, James H. Walton, and William Davis, of the county of Monroe, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions of stock and organize a company by the name, style and title of the Delaware, Lehigh and Wyoming Valley railroad company, with all the powers and subject to all the duties and restrictions prescribed by an act of Assembly of this Commonwealth, entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine. Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of fifty thousand shares of fifty dollars each. Capital stock.

SECTION 3. That said company shall have the right to build and construct a railroad from a point on the Delaware river, in the said county of Monroe, at or near the Delaware Water Gap, to the borough of Wilkesbarre, in the said county of Luzerne, with single or double track, and of any gauge and width that shall be deemed advisable by the president and directors of said company, by such route and grades as will in the opinion of the said president and directors most conduce to the public interest, and to connect with any railroad or public improvement now constructed or which may hereafter be constructed at either end, or at any intermediate point on the line or route thereof, and with the power also to extend a branch or lateral railroad or railroads to any point in the said county of Luzerne, deemed useful and expedient by said president and directors, not exceeding ten miles in length in any case. Location of road.

SECTION 4. That whenever any section or sections of five miles of said railroad shall be completed, the said company may use, occupy and enjoy the same as fully and in the same manner as if the same were finished throughout its entire length. Use of road.

SECTION 5. That whenever the parties cannot agree upon the damages claimed either for lands or materials taken by said company in the prosecution of their work, the said company may tender a bond and proceed in all respects as is provided and specified in the second section of an act, entitled "A supplement to the act incorporating the Pennsylvania coal company," approved the seventh day of March, one thousand eight hundred and forty nine. Damages, how ascertained.

SECTION 6. That with the concurrence of the Legislature of New Jersey, the said company shall have the right to construct a railroad bridge over the river Delaware, at or near the said Delaware Water Right to construct a bridge.

Gap, if deemed advisable by said president and directors, in order to connect with any railroad or railroads leading from that point on the New Jersey side of said river to Philadelphia or elsewhere.

Borrow money.

SECTION 7. That said company shall be, and they are hereby authorized to borrow money to an amount not exceeding one million of dollars, upon bonds to be issued by said company, secured by mortgage upon so much of the corporate property as shall be deemed adequate for the purpose of such security, whenever the said president and directors shall deem the issue of such bonds expedient: *Provided, however,* That the rate of interest on said bonds shall not exceed the rate of seven per centum per annum, and that said bonds shall be convertible into the stock of the said company at the option of the holder or holders of said bonds: *And provided also,* That the whole amount of stock subscribed and of bonds issued, shall not exceed the sum of two million five hundred thousand dollars, and that no bond be issued for a sum not less than one hundred dollars.

Proviso.

Proviso.

Payment of interest.

SECTION 8. That the president, directors and company of the Delaware, Lehigh and Wyoming Valley railroad company, be and they are hereby authorized to pay to the stockholders entitled to receive the same in the months of January and July in each year, interest at the rate of six per centum per annum on all instalments paid by them, and continue to pay the same till the road shall be completed, all the profits or earnings of the said railroad within the same time shall be credited to the cost of construction, and all interest paid shall be charged to the cost of construction: *Provided,* That interest shall not be paid upon any share of stock, upon which any instalment which has been called for remains unpaid: *Provided further,* That the stock of said company shall not be subject to any tax in consequence of the payment of the interest hereby authorized, nor until the net earnings of the company shall realize at least six per centum per annum upon the capital invested.

Proviso.

Proviso.

Connection with Philadelphia, Easton and Water Gap railroad.

SECTION 9. That said company shall afford every reasonable facility and convenience for a connection with the Philadelphia, Easton and Water Gap railroad company, which is hereby authorized to be made by the company last named, in such manner as shall avoid the necessity for transshipment, and shall so regulate their charges for motive power and transportation, that they shall not in any case discriminate against said Philadelphia, Easton and Water Gap railroad company, nor in favor of any other company in this or any other State, to the exclusion or injury in any manner of said Philadelphia, Easton and Water Gap railroad company, but said charges shall be so regulated and made between the said Delaware, Lehigh and Wyoming railroad company, and the said Philadelphia, Easton and Water Gap railroad company, for all passengers and freight passing from one road to the other, and over the whole or any portion of said respective lines of railroad; that a pro rata rate per mile on passengers, and a pro rata rate per ton per mile on freight shall be established and charged by each company respectively, and in any contract or agreement which may be made by said Delaware, Lehigh and Wyoming railroad company with any other company, the said Philadelphia, Easton and Water Gap railroad company shall have the same privileges and advantages in such contract or agreement for the conveyance of passengers or the transportation of freight, which may pass over or be destined to pass over their road or any portion thereof as may in any case be extended to or be enjoyed by any other company in this or any other State, and the said Philadelphia, Easton and Water Gap railroad company, shall in like manner reciprocate these privileges and advantages with the Delaware, Lehigh and Wyoming railroad company.

SECTION 10. That the commissioners named in this act are hereby Survey. authorized to proceed at once to make a survey and establish the site of the road contemplated by this act.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fourteenth day of March, A. D., one thousand eight hundred and fifty three.

WM. BIGLER.

No. 132.

AN ACT

Relating to certain townships, boroughs, and election districts; and to the erection of a lock-up house in the borough of Bridgeport, Fayette county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Fairmount tp., Luzerne co. the general and township elections for Fairmount township, Luzerne county, shall hereafter be held at the house of Joseph Moss, in said township.

SECTION 2. That the general and township elections for Pittston Pittston tp., Luzerne co. township, Luzerne county, shall hereafter be held at the public house now occupied by John Love, in the village of Pittston, in said township.

SECTION 3. That the general elections for the township of Roaring Roaring Creek Creek, Columbia county (heretofore in Montour county), shall hereafter tp., Columbia be held at the public house now occupied by David Reinbold, in the co. village of Numidia, and the said township shall hereafter be called and known by the name of Scott township.

SECTION 4. That hereafter the qualified electors of the township of Jenner tp., Jenner, in the county of Somerset, shall hold their general, special, and Somerset co. township elections at the house now occupied by Joseph Fleming, in the village of Cross Roads, in said township.

SECTION 5. That hereafter the election for high constable, burgess, Middletown, town council, and school directors in the borough of Middletown, Dauphin co. Dauphin county, shall be held on the third Friday of March annually.

SECTION 6. That hereafter the general special and borough elections shall be held at the house of Nathan Frederick, in the borough of Catasqua, Hanover township, Lehigh county.

SECTION 7. That hereafter the general, special, and township elec- Catasqua tp., tions in Low Hill township, Lehigh county, shall be held at the house Lehigh co. of Jacob Zimmerman, in said county.

SECTION 8. That the qualified voters of the South ward of the bor- Tamaqua, ough of Tamaqua, Schuylkill county, heretofore voting at the public Schuylkill co.

school house in said borough, shall hereafter vote at the Union hotel, now kept by John Lovett.

Overton tp.,
Bradford co.

SECTION 9. That the township of Overton, in the county of Bradford, shall hereafter be a separate election district and separate school district, and the qualified electors of the said township shall, on the third Friday of March instant, hold an election for officers of said district and for township and school directors, and that Edward M'Govern shall be the judge of the said election, and that Jacob Haverly and Owen M'Gann shall be inspectors thereof.

Overton tp.

SECTION 10. That the said election and the general and township elections of said township shall be held at the house of William Waltman, in said township of Overton, and that the township elections after this first election, shall be held at the same time as elections are held in the other township election districts in said county.

Duties of officers.

SECTION 11. That the several officers elected at the ensuing election shall have the exclusive right and power to collect, lay out, and appropriate the road, school, and town taxes assessed on the inhabitants and lands in said township for the present year the same as if the same had been assessed and levied after the erection of the said township of Overton into a township and election district.

Franklin tp.,
Erie co.

SECTION 12. That hereafter the qualified electors of Franklin township, in the county of Erie, shall hold their general, presidential, township, and special elections at the Tuckey school house, in said township.

Additional pay
to coroners.
Erie co.

SECTION 13. That the county commissioners of the county of Erie, shall be entitled to charge and receive, from the first day of January, Anno Domini, one thousand eight hundred and fifty-three, in addition to the per diem pay now allowed them by law, the sum of eight cents per mile for each mile necessarily traveled by them in going to their office in the city of Erie on the business of the county, and in returning from thence to their respective homes, and eight cents per mile circular in attending the several courts of appeal at each tri-ennial assessment in said county: *Provided*, That they shall not be entitled to charge or receive mileage for more than eighteen meetings in any one year.

West Beaver
tp., Union co.

SECTION 14. That the general and township elections for West Beaver township, Union county, shall hereafter be held at the house now occupied by Wm. J. May, in said township.

Union tp.,
Union co.

SECTION 15. That the general and township elections for Union township, Union county, shall hereafter be held at the house now occupied by Simon Beaver, in said township.

Neshannock tp.,
Lawrence co.

SECTION 16. That the qualified electors of Neshannock township, in the county of Lawrence, shall hold their general and township elections in the north wing of the public school house in the borough of New Castle, in said county.

Repeal.

SECTION 17. That the third section of the act authorizing the borough of Greensburg to subscribe to the capital stock of the Hempfield railroad company, and erecting separate election districts in Donegal township, Westmoreland county, approved the sixth day of May, Anno Domini, one thousand eight hundred and fifty-two, be, and the same is hereby repealed, and all acts of Assembly heretofore passed dividing said township of Donegal, in Westmoreland county, into separate school districts are hereby repealed, and that from and after the passage of this act, the said township of Donegal shall form but one school district.

Zerbe tp.,
Northumber-

SECTION 18. That all that part of Coal township, Northumberland county, lying west of a line beginning at the line between Coal and

Cameron townships, at a point two thousand feet westward or where the said line crosses the west bounding of a tract of land surveyed in the name of Alexander Hunter, the twenty-seventh day of October, one thousand seven hundred and ninety-four; thence north fourteen degrees west to the line between the townships of Coal and Shamokin, be, and the same is hereby erected into a new township to be called Zerbe.

SECTION 19. That the qualified voters in the new township of Zerbe aforesaid, shall hold their general, special and township elections at the Pennsylvania House, now kept by John Weaver, in the town of Trevorton, and that John Ganet shall be judge and John R. Strouser and Joseph E. Vanhorn inspectors, with power to fill vacancies, to hold the first township elections on the third Friday of March next, and thereafter the qualified voters of said township shall elect such township officers at such times as are now provided by law in other townships in said county.

SECTION 20. That David Rockafeller, Kimber Cleaver and George C. Welker be appointed commissioners to lay out said township according to the above boundaries and to file a draft thereof with the prothonotary of said county, the expenses of which to be paid by the commissioners of said county.

SECTION 21. That in cases of elections in the month of March of the present year, in the several election districts in this act contained, the constable of the proper township or election district may forthwith give notice of such election in his township or district, and all such elections shall be as valid as if the same had been held after due and full notice as provided by existing laws.

SECTION 22. That the burgess and town council of the borough of Bridgeport, in the county of Fayette, be, and they are hereby authorized and empowered to have built or otherwise provided and supported in said borough, at the expense thereof, a suitable building for the security and temporary detention of any person or persons committed by any justice of the peace of said borough or vicinity, or the burgess of said borough, or any member of the town council, acting in his place, for any violation of the laws of this Commonwealth, or of any ordinance or ordinances of the borough aforesaid, for which such person or persons could lawfully be committed to the common jail of the county aforesaid, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or until discharged according to law: *Provided*, That no person or persons shall be confined in said lock-up house at any one time for a longer period than twenty-four hours, except such person or persons charged with an indictable offence, and it may be necessary to detain him, her, or them for a legal examination.

SECTION 23. That by and with the consent of the burgess and town council of the borough of Brownsville, it shall and may be lawful for the borough of Bridgeport, in the county of Fayette, to have a temporary use of the lock-up house in the borough of Brownsville for the purposes aforesaid.

SECTION 24. That at the next borough election after the passage of this act, it shall be lawful for the citizens of said borough of Bridgeport to elect nine councilmen as heretofore for said borough, three of whom to serve one year, three for two years and three for three years, and every year thereafter they shall elect three councilmen to serve for three years.

Repeal.

SECTION 25. That so much of any law regulating said boroughs, as is supplied by this or is inconsistent herewith, be, and the same is hereby repealed.

Juniata tp.,
Bedford co.

SECTION 26. That the qualified voters of the township of Juniata, in the county of Bedford, shall hereafter hold their general, special and township elections at the house now occupied by William Keiser, in said township.

Orrsville village
annexed.

SECTION 27. That the village of Orrsville in Pine township, Armstrong county, is hereby annexed to the township of Madison, in said county, for election purposes; that the farm of John Koumerduion in Wayne township, in said county, is hereby annexed to Pine township for school purposes, and that the borough of Leechburg, in said county, is hereby erected into a separate and independent election district, and William Gosser as judge and Wm. R. Garver and John Ulam as inspectors, are hereby authorized and appointed to hold the first election therein, and that the elections for said borough shall be held at the public school house therein.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eleventh day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 133.

AN ACT

To reinstate certain judgments on the dockets of R. O. Hulbert, late a justice of the peace in Erie county, and George Kellogg, Esquire, an acting justice in and for said county, which dockets were destroyed by fire; and annexing the property of John Woodward, of Milford township, to the township of Beale, in Juniata county.

Preamble.

WHEREAS, It is represented to the Legislature that the dockets of the justices of the peace of the East ward in the city of Erie, containing nearly the entire business of said ward for the last twenty years and upwards, were destroyed by fire on the eleventh day of February, Anno Domini, one thousand eight hundred and fifty-three; for remedy whereof,

Judgments on
dockets of R. O.
Hulbert and
George Kellogg
re-instated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That when any person or persons interested in any proceeding, judgment or judgments obtained upon the docket of Richard O. Hulbert, Esquire, deceased, late a justice of the peace in the East ward of the borough, now city of Erie, or upon the docket of George Kellogg, Esquire, now a justice of the peace in and for said ward, where the evidence of the same has been destroyed by fire, shall be desirous to have the same

supplied, he, she or they, in person or by agent or attorney, may apply to the said George Kellogg, Esquire, or any other justice of the peace in the city of Erie, upon making affidavit before said justice that he, she or they had a proceeding or judgment, giving the name of the parties thereto, upon whose docket the same was entered, the date and amount of the judgment, if entered, as near as the applicant can ascertain the same, and the amount and date of payments made thereon, if any, and thereupon the justice of the peace to whom such application may be made, may, and he is hereby authorized, empowered and directed to issue process in the nature of scire facias or citation to the party against whom such proceeding was had or judgment rendered, to be and appear before such justice of the peace, upon a day certain, to be therein expressed, not more than twenty nor less than five days after the date of said writ, to answer the allegations of the applicant, which, together with a certified copy of the affidavit so made before such justice of the peace, shall be served on the respondent or respondents, if residing in the Commonwealth of Pennsylvania, the said scire facias to be served by a constable of the county wherein the respondent resides, in the same manner as summons issued by justices of the peace are now by law served; the certified copy of the applicants' affidavit to be left by the constable serving the said writ with the respondent or respondents, or an adult member of his or their family; the constable on making his return on said writ, shall specify particularly the manner he served the copy of said affidavit, and upon said writ being returned by the constable on oath served, and that a copy of such affidavit was as aforesaid delivered to the respondent or respondents, or left with an adult member of his or their family, and upon the respondent or respondents not appearing at the time appointed before such justice of the peace, he, the said justice, shall proceed and enter judgment against such respondent or respondents by default for the amount as set forth and specified and claimed in the applicant's affidavit, and in case the respondent or respondents appear and deny the allegations of the applicant or applicants under oath or affirmation, the justice of the peace shall proceed to hear and determine the matters in controversy as in other cases, from whose decision, either upon hearing or otherwise, either party shall have the right of appeal to the court of common pleas, upon the same terms and conditions as in other cases of appeal from judgment of justices of the peace: *Provided*, That when the respondent resides out of the county of Erie, such scire facias and affidavits shall be served at least nine days before the day appointed for the hearing thereof.

SECTION 2. That upon the respondent or respondents appearing before the justice of the peace upon the return of such writ, and refusing to deny the material facts specified in the plaintiff's affidavit under oath or affirmation, without good cause shown to the justice for his, her, or their not doing so, the said affidavit of the plaintiff shall be prima facie evidence of what it contains before the justice of the peace and in court of common pleas in case of an appeal: *Provided, however*, That the cause of the respondent refusing to deny the facts contained in applicant's affidavit, under oath or affirmation, shall be judged of by the court of common pleas upon the trial of the appeal.

SECTION 3. That upon such trial any docket book or memorandum kept by any applicant or applicants, his, her or their agent or attorney of the amount and date of any judgment or judgments so destroyed, shall be received in evidence by such justice of the peace, and in case of an appeal to the court of common pleas, shall be received by said court in evidence: *Provided, however*, That in all cases when such docket book or memorandum is destroyed, the applicant or applicants shall be liable to pay the cost of evidence.

book, or memorandum is offered in evidence, the respondent or respondents may require the applicant, his agent or attorney, to answer, under oath or affirmation, any question or questions as to the time and manner of making and truth of any such entry or memorandum, and as to the payments made by respondent or respondents and not credited on said docket book or memorandum, and in case it shall appear from the answers of the applicant's or other evidence, that the entries contained in such docket book or memorandum were made or altered since the eleventh day of February, Anno Domini, one thousand eight hundred and fifty-three, said docket book or memorandum shall not be admitted in evidence, otherwise it shall be prima facie evidence of what it contains: *Provided*, That the respondent may, at his request, testify as to the truth of such entry, or as to payments made by him thereon, and in such case shall be subject to cross-examination by the applicant, and either party wilfully testifying falsely in the premises, shall be adjudged guilty and liable to the penalties of perjury.

Proviso.

Effect of judgments.

SECTION 4. That all proceedings and judgments entered in pursuance of the provisions of this act, shall have the same force and effect and be as available in law as the original judgments or proceedings were at the time, and immediately previous to the destruction of the said justices' dockets.

Farm of John Woodward annexed to Beale tp., Juniata co.

SECTION 5. That the farm and mansion, dwelling houses thereon erected, now owned by John Woodward, of the township of Milford, and county of Juniata, is hereby annexed to, and included in the township of Beale, for all and every purpose, as fully and effectually as if the township line dividing the townships of Milford and Beale had been run and made east of the farm buildings on said farm.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 134.

A FURTHER SUPPLEMENT

To an act entitled "An Act incorporating the Beaver Meadow railroad and coal company."

Avoidance of inclined planes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of enabling the Beaver Meadow railroad and coal company to avoid the inclined planes on their railroad, it shall and may be lawful for the said company to construct and lay down a railroad, with as many tracks as may be required, commencing at a point on the present line of the railroad of said company below the town of Beaver Meadow, in Carbon county, and pursuing such route as may be deemed best to avoid the said inclined planes, terminate at another point on

the line of said railroad at or below the town of Weatherly, in the said county of Carbon, and it shall be lawful for the said company to vacate that part of their railroad, including the inclined planes situate between the two points above mentioned.

SECTION 2. That for the purpose of enabling the said Beaver Meadow Authority to issue additional bonds, railroad and coal company, to construct said railroad, to avoid the said inclined planes, to make a double track the entire length of their railroad, to construct additional sidings, rebuild the bridges and otherwise improve the said railroad and its appurtenances, and to build or purchase locomotive engines and cars for the business of said railroad, and to pay their debts, it shall and may be lawful for the stockholders of said company to authorize their president and managers, in addition to any debts heretofore contracted by the said company, to issue from time to time, bonds in the corporate name and under the common seal of the said company, in sums of one thousand dollars, payable at any period not later than thirty years after their date, with coupons attached to the same for interest thereon, payable semi-annually, at the rate of six per cent. per annum, the said bonds shall not in the whole exceed the sum of eight hundred thousand dollars, and it shall and may be lawful for the said stockholders, at such a meeting as aforesaid, to authorize the said president and managers to secure the payment of said bonds and coupons, by executing in the corporate name and under the common seal of the said company, a mortgage on all or on any part of the real, and of the personal property of the said company, in any form they may see fit, and the said mortgage may also include the tolls, rents, issues and profits of said company or any part thereof, and if the said mortgage shall so stipulate, the said president and managers may continue in the possession and management of the mortgaged property, as well personal as real, without prejudice to the security of the said mortgage thereon, and it shall and may be further lawful for the said stockholders at such a meeting as aforesaid, to empower the said president and managers to sell and dispose of the said bonds by this section authorized to be issued, from time to time, for the best price or prices which can be obtained for the same, and the purchaser of said bonds authorized to be issued as aforesaid, shall not be deemed usurious or in violation of any law of this Commonwealth prohibiting the taking of more than six per centum interest, and that the holders of the said bonds, so to be issued as aforesaid, may with the consent of the Beaver Meadow railroad and coal company, convert the said bonds into the capital stock of the said company, and further, it shall and may be lawful for the said company, to issue shares of the capital stock of the said company in exchange for, or in payment of said bonds, as the case may be, and that the said company may declare and pay to the stockholders thereof, dividends of so much of the profits of said company, as may from time to time be earned, not exceeding twelve per cent. per annum on the capital stock of said company.

SECTION 3. That all laws or parts of laws heretofore passed in reference to the Beaver Meadow railroad and coal company inconsistent with the provisions of this act, be, and the same are hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 135.

AN ACT

Relative to defining the limits of the borough of Venango, in Crawford county; to the sale of real estate in Montgomery county; to the inspection of ground black-oak bark; relative to the boundary line between Centre, Mifflin, and Huntingdon counties; and repealing the act attaching the farm of Levi Bull to the township of Nantmeal, Chester county, for school purposes, and relative to the Northern Liberties and Penn Township railroad company.

Limits of Venango borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the limits of the borough of Venango, in the county of Crawford, be, and is hereby restricted to an area not exceeding one hundred and fifty acres, and so located as to embrace the existing plan of village lots actually laid out, and that Beaty Henry, B. and A. W. Momford, are hereby appointed to survey and define upon the ground the lines and limits of said borough, in accordance herewith, and subject to the approval of the court of quarter sessions of said county, and that so much of the act incorporating said borough as is inconsistent herewith and constitutes the same a separate school district, be, and the same is hereby repealed.

George W. and Louisa B. Dewees authorized to sell certain real estate.

SECTION 2. That George W. Dewees, trustee of Louisa B. Dewees, be, and he is hereby authorized and empowered to sell at public sale, for the highest price that can be obtained, the following real estate situate in the county of Montgomery, and mentioned and described as follows, to wit: No. 1, all that certain messuage or tenement and tract of land situate in the borough of Bridgeport, in the said county of Montgomery, bounded by De Kalb street, formerly called the State road, and by lands of Jacob Shamblin, Abner Supple, and others, containing thirty-eight acres and one hundred and fifty perches of land, more or less, with the appurtenances, being the same premises which Samuel Moore and Henrietta, his wife, by their indenture bearing date the first day of April, Anno Domini, eighteen hundred and fifty, and recorded at Norristown in the office for recording of deeds, &c., in and for the county of Montgomery, in deed book number seventy-seven, page fifty-four, &c., did, for the consideration therein mentioned, grant and confirm unto the said George W. Dewees, trustee for the said Louisa B. Dewees, in fee number two, all that certain tract or lot of ground situate in the borough of Bridgeport, aforesaid, bounded and described as follows, to wit: Beginning at the margin of the canal, in a line of land belonging to the Schuylkill navigation company, thence by the same eighty feet to a corner in the margin of the Schuylkill road, thence along the margin of said road forty feet to a corner of lands of Eli G. McCarter, thence by the same eighty feet to the canal aforesaid, thence up the same forty feet to the place of beginning; number three, all that certain town lot in the said borough of Bridgeport, marked and numbered as number twenty-five, in a plan of lots laid out by Cadwalader Evans, and particularly mentioned and described in a certain indenture executed by the said Cadwalader Evans, and Rachel P., his wife, to the said George W. Dewees, trustee as aforesaid, dated the twenty-ninth day of March, Anno Domini, eighteen hundred and fifty, and recorded in

the office for recording of deeds, &c., at Norristown, in and for the county of Montgomery, in deed book number seventy-seven, page fifty-two, and to execute deeds for the same, or any part thereof, to the purchaser or purchasers of the same, he the said trustee to invest the net proceeds of sale in good securities, upon the same trusts and for the same uses and purposes as are mentioned and declared in a certain indenture tripartite, made the fifteenth day of December, Anno Domini, eighteen hundred and forty-nine, between George W. Holstein of the first part, George W. Dewees of the second part, and Louisa B. Dewees, late Louisa B. Holstein, then the wife of the said George W. Dewees, of the third part, and duly recorded in the office for recording of deeds, &c., at Norristown, in and for said county, in miscellaneous book number seven, page one, &c., and to convey the premises to the purchaser or purchasers, freed and discharged from the trust referred to in said last mentioned indenture.

SECTION 3. That from and after the passage of this act, all ground black oak bark designed for exportation from the port of Philadelphia in bags or in any other form not mentioned in the act to which this is a supplement, shall be inspected, branded and marked in the manner prescribed in said act, for which service the same fees for inspection or storage shall be paid as is now allowed by law. Inspectors of ground black oak bark.

SECTION 4. That all the provisions of the act relative to the inspection of bark, to which this is a supplement, are hereby extended and made applicable to the preceding section. Provisions of certain act made applicable. Commissioners.

SECTION 5. That William Christy, of Huntingdon county, James Alexander, of Mifflin county, and Henry P. Treziyuluy, of Centre county, be, and they are hereby appointed commissioners, whose duty it shall be to employ a proper number of assistants, and the said commissioners or a majority of them shall correctly run and mark distinctly the boundary line or lines between the counties of Centre and Mifflin, and Huntingdon and Centre, and it shall be the duty of said commissioners to lay down on their drafts the tracts of land through which the lines may pass, agreeably to the act of the Assembly creating said counties, and the supplements thereto, and the said commissioners or a majority of them shall make out four drafts, one of which shall be filed in the commissioners' office of each of the said counties, and the other to be filed in the Surveyor Generals' office, and there kept as a matter of record, and the said commissioners shall each receive the sum of three dollars for each and every day they may be necessarily employed in running and marking said boundary line, and the assistants each the sum of one dollar and twenty-five cents for each and every day they may necessarily be employed as aforesaid, one third of which shall be paid out of the treasury of each of said counties, and the said commissioners are required to perform the duties enjoined by this act on or before the first day of December next, and the report of said commissioners be final and conclusive. Duties of commissioners.

SECTION 6. That the ninth section of the act of the ninth day of April, one thousand eight hundred and forty-nine, attaching the farm and premises of Levi Bull, to East Nantmeal, in the county of Chester, for school purposes, be and the same is hereby repealed. Repeal.

SECTION 7. That the Northern Liberties and Penn Township railroad company, their successors and assigns shall be obliged and required, and they are hereby obliged and required to pave and keep paved and repaired the said railroad between the several curbs, in the same manner as the streets in the districts of the Northern Liberties and Spring Garden are usually kept and repaired, so, however, as not to injure or impair the proper use of the rails of said road, and in case the Duties of Northern Liberties and Penn Township railroad company.

said company, successors and assigns shall neglect or refuse to pave and keep paved and repaired the said railroad in the manner above mentioned, after notice to them for that purpose shall have been given by the commissioners of said districts or of either of said districts, who are hereby authorized and required to give the same in the same manner as notice is generally given by them, then it shall be lawful, and they are hereby required from time to time to do or cause such paving and repairing to be forthwith done, as the same is done in other cases by said commissioners, and the costs and expenses thereof with the usual interest and commissions shall be charged to the said company, their successors and assigns, which shall be a lien on said railroad with the privileges and appurtenances, and be recovered as the costs and expenses of paving and grading in other cases are recoverable, and so much of the act, entitled "An Act to incorporate a company to make a railroad through the northern section of the county of Philadelphia, from the river Delaware to the Schuylkill, or to terminate at a junction with the Columbia railroad, to be called the Northern Liberties and Penn Township railroad," approved the twenty-third day of April, one thousand eight hundred and twenty-nine, or any other law or laws relating thereto as is hereby altered or supplied, shall be and the same is hereby repealed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 136.

AN ACT

Authorizing the Manheim and Lebanon plank and turnpike road company to borrow money, extend their road, and construct lateral roads or branches; to the estate of Sarah Davies, deceased; and legitimating John George Gormley.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Manheim and Lebanon plank and turnpike road company, shall have full power and authority to borrow any sum or sums of money, not exceeding fifteen thousand dollars, which may be necessary to enable them to complete their road, discharge the debts incurred in the construction thereof, and enjoy the full benefit of the privileges conferred upon them by the act of Assembly authorizing their incorporation, any such loan to be on such terms and conditions as the said corporation may deem fit, with power also to pledge and mortgage as security for any such loan or loans, their said

President and managers of the Manheim and Lebanon plank and turnpike road company to borrow money.

road, and all and any of their property, real and personal, together with all their rights, powers, and privileges, and franchises, any sale or sales under any judicial process to enforce any such pledge or mortgage, shall pass to and vest in the vendee or vendees whatever property, rights, powers, privileges and franchises may have been pledged or mortgaged under any such pledge or mortgage as last aforesaid: *Pro-Provido.* *vided*, That no certificate of loan shall be of less denomination than one hundred dollars.

SECTION 2. That the president and managers of the Manheim and Lebanon plank and turnpike road company, shall have the privilege of extending their road from the present termination at Mulberry street in the borough of Lebanon, to the south side of the Union canal in North Lebanon township, Lebanon county, with all the rights, privileges and immunities, and subject to the same restrictions granted and mentioned in said act of incorporation. Authority to extend road.

SECTION 3. That the Manheim and Lebanon plank and turnpike road company be, and they are hereby empowered to lay out, make and construct from their main road in South Lebanon township, to the Cornwall ore banks in said township, as many lateral roads or branches as may be necessary to enable them to transport ore from said banks, to and over their main road, said lateral roads or branches to be subject to all the provisions of the act incorporating said company, and of the act regulating turnpike and plank road companies, approved twenty-sixth of January, Anno Domini, one thousand eight hundred and forty-nine, and the supplements thereto, and said company shall have the same powers of erecting gates and collecting tolls, and all other powers and privileges granted by said acts. To make lateral roads.

SECTION 4. That Andrew Robeson, executor of the last will and testament of Sarah Davies, late of Lancaster county, deceased, is hereby fully authorized and empowered at any time hereafter, to sell at public sale the real estate of said Sarah Davies, deceased, consisting of a lot of forty-six perches of ground, situate in Caernarvon township in said county, adjoining the old turnpike which passes through the village of Churchtown, lands of Benjamin F. Busen, Hanson B. Jacobs, and property late of John Zell, deceased: *Provided*, That the said Andrew Robeson, before the receipt of the purchase money, shall give security to be approved by the orphans' court of Lancaster county for the proper application of the same, and that the said court shall approve of and confirm the sale made by him. Real estate of Sarah Davies.

SECTION 5. That John George Gormely, son of William M. Gormley, of the city of Lancaster, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law, to inherit and transmit any estate whatsoever, as fully and effectually as if he had been born in lawful wedlock. John George Gormley legitimated.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 137.

A SUPPLEMENT

To the act incorporating the Bedford mineral springs association.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the objects of the corporation created by the act to which this is a supplement, shall be the purchase of the watering place known as the Bedford mineral springs, and the lands at present belonging thereto, and for the purpose of erecting buildings and beautifying the grounds, in such manner as to accommodate and amuse the visiting public, and said springs, buildings, and grounds, shall be held by said association as a public watering place, as at present used, and for no other purposes whatsoever: Provided That the stockholders in said corporation shall be liable, in their individual capacity and estates, for all debts created and liabilities incurred by the said corporation: And provided further, That said corporation shall exist for twenty-eight years, and no longer.*

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 138.

AN ACT

For the sale of the real estate of Caleb Foulke, deceased; and to authorize Joseph Swift, guardian of Emily S. Bach and Mary Swift, to convey real or personal estate.

Preamble.

WHEREAS, Caleb Foulke, late of the township of Richland, in the county of Bucks, deceased, by his last will and testament, proven and registered the eighth day of March, Anno Domini, one thousand eight hundred and fifty-two, devised the use, the rents, issues, and profits, of a certain messuage and lot of about two acres of land, situate in the village of Quakertown, in said township of Richland, unto his wife Anna S. Foulke, during the time she remained his widow: *Provided, That she, the said Anne S. Foulke, should keep the buildings*

Proviso.

and premises in repair, and at her death or marriage to be sold by his surviving executor, and the proceeds thereof be devised (with the residue of his estate), to his son Benjamin G. Foulke, and his four grand children, Benjamin, Caroline, and Rebecca Penrose, and Jane F. Levick :

And whereas, The cash value of the interest of the said Anne S. Foulke, in the above said premises, has been estimated to be fifty dollars per annum, as represented to the Legislature by the petition of the said Anne S. Foulke, together with a desire that the same might be sold subject to the payment of the sum of fifty dollars, annually, to her the said Anne S. Foulke, during the time that she remains the widow of the said Caleb Foulke, deceased, which petition is concurred with by the said Benjamin G. Foulke, and Samuel C. Bradshaw, and Benjamin G. Foulke, guardians of the minor children above mentioned; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Anne S. Foulke, and Benjamin G. Foulke, executors of the last will and testament of Caleb Foulke, late of the township of Richland, county of Bucks, deceased, be, and they are hereby authorized to sell at public sale the messuage and lot of land above mentioned, with the appurtenances, at such time as they shall deem most advisable, upon the following conditions: one thousand dollars of the purchase money to remain secured in the premises, the annual interest thereof at five per cent. to be paid to Anne S. Foulke, widow of the said Caleb Foulke, deceased, annually, on the first day of April in each and every year, during the time she remains the widow of the said Caleb Foulke, deceased, and at her death or marriage the said principal sum of one thousand dollars, to be paid according to the directions of the will of said Caleb Foulke, deceased, and the balance of the purchase money to be paid to said executors, to be by them distributed as contemplated by the will of said deceased, and upon the purchaser or purchasers paying and securing to be paid the purchase money as aforesaid, then the said Anne S. Foulke, and Benjamin G. Foulke, executors of the will of said Caleb Foulke, deceased, to make and execute a good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof (subject as above mentioned): *Provided,* That such sale or sales shall not be approved by the orphan's court of Bucks county, until the said executors shall give security to the satisfaction of the said court, for the proper application of the proceeds of such sale or sales, according to the provisions of the said will, with respect to the residue of the estate of said testator.

SECTION 2. That Joseph Swift, of the city of Philadelphia, guardian of his minor daughters Emily S. Balch and Mary Swift, be, and he is hereby authorized and empowered, at any time or times hereafter, during the minority of his said two daughters, or either of them, to grant, bargain and sell, all or any part or parts of the estate, real or personal, now vested in or to which his said two daughters, or either of them, are now or may hereafter become entitled to or possessed of under and by virtue of the last will and testament of the Reverend Robert Blackwell, late of the said city of Philadelphia, deceased, or as the heirs and legal representatives of Robert B. Willing, late of the said city of Philadelphia, deceased, or of their mother Eliza M. Swift, deceased, and whether the said estates be held by the said Emily S. Balch or Mary Swift, in severalty or in common, with any

other person or persons, either at public or private sale in fee simple upon ground rent or for any other estate or estates, and upon such terms and conditions or for such price or consideration as he, the said Joseph Swift, may deem proper, and also to release and extinguish any yearly ground rent, or the undivided interest therein of the said Emily S. Balch or Mary Swift, belonging to them or either of them, and to convey and assure the hereditaments and premises so sold with the appurtenances unto the purchaser or purchasers thereof, his, her or their heirs, successors and assigns forever, free, clear and discharged of and from all trusts and limitations whatsoever, and so that the said purchasers shall take and hold the premises so conveyed to them without any liability on their part to see to the application of the purchase money, also, that he, the said Joseph Swift, shall and may on behalf of his said two daughters, or either of them, enter into and make partition by deed or otherwise, with any other person or persons whomsoever, with whom his said two daughters, or either of them, now or may hereafter, during their or either of their minority, have, hold, be possessed of or become entitled to in common or as joint tenants of any estate or interest derived or inherited under or by virtue of any of the devises or provisoes contained within said last will and testament of Robert Blackwell, deceased, and to agree upon and finally determine the interest and proportion of his said two daughters, or either of them, in the estate aforesaid, and thereupon to make and execute good and sufficient deeds, releases and discharges to the other parties interested therein, their heirs, executors, administrators and assigns of and for all the share, purport and interest of his said two daughters, or either of them, in the said estate, and property which said releases, conveyances and discharges, shall be binding and conclusive upon his said two daughters, their and each of their heirs, executors, administrators and assigns forever hereafter: *Provided, nevertheless,* That all sales, releases, deeds and acquittances, made in pursuance of the powers hereby conferred shall first be approved of by the orphans' court for the city and county of Philadelphia, and that the said Joseph Swift shall hold all the moneys, securities or proceeds of any such sales, releases or partitions as aforesaid, in trust as and for the estate of his said two daughters respectively, in equal moieties, their heirs and assigns, during and until the termination of their respective minorities: *Provided also,* That the said Joseph Swift give such security in the premises as may be directed by the orphans' court aforesaid.

Proviso.

Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 139.

AN ACT

To incorporate the Skippack turnpike road company; repealing a State road in Montgomery county; and relative to a justice of the peace in the borough of Norristown.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners. William Michener, Charles Stout, John Hobensack, Frederick B. Roberson, David De Haven, George Scheets, Philip S. Gerhard, John Fitzgerald, Francis Kehr, John Jones, Mathias Faringer, John F. Styer, Lawrence Lawrence, Levi Miller, Enos Hoxwell, Samuel F. Shæff, Henry Dickinson, Samuel Streeper, Jacob L. Rex, Joseph P. Conard, Abraham Wentz and Jacob Hoover, of Montgomery county, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of Style. "The Skippack turnpike road company," with power to construct a turnpike road, commencing at or near the end of the Skippack road at the Chesnut Hill and Springhouse turnpike road, in Whitmarsh township, Montgomery county, and extending thence along the said Location. Skippack road through the villages of Broad-axe, Bluebell and Centre Square, to a point in said road at or near Philip S. Gerhard's tavern, near Centre Square, in Whitpain township in said county, subject to Subject to provisions of certain act. all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

SECTION 2. That the capital stock of said company shall consist of two hundred shares, at twenty-five dollars per share: *Provided,* That Capital stock. said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, and to carry out the true intent and meaning of this act. Proviso.

SECTION 3. That if said company shall not commence the construction of their road within two years after the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the Commencement and completion of road. affairs and pay the debts of the company.

SECTION 4. That said townships of Whitmarsh and Whitpain, are Certain townships to subscribe stock. authorized to subscribe to the capital stock of said company

SECTION 5. That the first, second, third, fourth, fifth, sixth and seventh sections of an act entitled "An act authorizing the laying out of a State road in Montgomery and Bucks counties, and for other purposes," approved the twenty-sixth day of April, one thousand eight hundred and fifty-two, be, and the same are hereby repealed. Repeal.

SECTION 6. That it shall and may be lawful for William Rossiter, to hold and exercise the duties of his office as a justice of the peace, in William Rossiter to hold office of justice of the peace. and for the middle ward of the borough of Norristown, in the county

of Montgomery, under his present commission, notwithstanding he may reside in any other ward of said borough.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 140.

A FURTHER SUPPLEMENT

To the act incorporating the Pennsylvania coal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Pennsylvania coal company is hereby authorized to extend its two tracks of railroad with the necessary turn-outs and other appendages from any points thereof, in an easterly direction through the counties of Luzerne, Wayne, Pike, or along Bushkill creek, in the county of Monroe, to connect with the New York and Erie railroad, or to such point in the States of New Jersey or New York, as the respective Legislatures of said States may authorize, and shall generally construct the same to conform to the plan and manner of its present road so far as the same may be constructed within this Commonwealth, and of any gauge the company may deem expedient, and may hold the same with its appendages and the lands necessary for depots and other purposes of its business not exceeding twenty acres in any one place, and exercise the same powers in respect thereto which it might exercise if the same were within this Commonwealth, but in the erection of the necessary bridges over the river Delaware the navigation of the said river shall not be injured, and the said company may connect or consolidate with, or lease some railroad or canal in the said States of New Jersey or New York, and acquire, hold, exercise the rights, privileges and franchises of such corporation in such manner and on such terms as may be mutually agreed upon, and the said company shall have power to increase its capital for the purposes herein authorized, not exceeding fifty thousand additional shares of fifty dollars each: *Provided*, That the said company shall pay to the State Treasurer for the use of the Commonwealth, a bonus of one per centum on such capital, in ten equal annual instalments, the first of which shall become payable on the first day of July, after said capital shall have been created, and the act passed thirteenth March, one thousand eight hundred and forty-seven, entitled "An Act relating to certain corpora-

Pennsylvania
coal company
authorized to
extend its two
tracks.

Proviso.

tions," shall not be deemed to apply to the Pennsylvania coal company.

SECTION 2. That the road authorized by this act shall be constructed under and subject to the provisions, privileges, powers, limitations and restrictions contained in sections ten, twelve, thirteen, fifteen, sixteen and eighteen of the act regulating railroad companies, approved the nineteenth day of February, Anno Domini, one thousand eight hundred and forty-nine: *Provided*, That in cases where a part only of such road within the Commonwealth is used by any person for transporting tonnage and passengers, the toll and compensation to the company may be charged in the proportion which the amount of the motive power used, bears to the whole motive power for the entire length of the road within this State, and any part of the present road of the said company which any person may find it necessary to use in transporting over the road authorized by this act, shall be subject to use by such person so transporting thereon in the same manner and upon the same terms and conditions as the road hereby authorized. Subject to provisions of certain act.
Proviso.

SECTION 3. That the said company may proceed in relation to the occupation and use of lands, for the purpose of locating and constructing said road in the manner provided in the second section of the act, entitled "A supplement to the act incorporating the Pennsylvania coal company," approved the seventh day of March, one thousand eight hundred and forty-nine. Occupation and use of lands.

SECTION 4. That the said company in case it shall erect by way of, or across Mill creek or Spring brook, the railroad authorized by this act shall conform the location of said railroad to the route which may be adopted by any company which has been or may be authorized to construct a locomotive railroad from the Wyoming valley, in an eastwardly direction towards the Delaware river, by way of said creek or brook, in such manner as not to interfere with the location of such locomotive railroad: *Provided*, That the said location shall be adopted and notice thereof given to some officer of the said Pennsylvania coal company, within six months from the first day of April, Anno Domini, one thousand eight hundred and fifty-three. Conditions as to location.
Proviso.

SECTION 5. That in the contraction of any loan by said company, no evidence of indebtedness shall be made or issued for any sum less than one hundred dollars, and the construction of the road authorized by this act shall be commenced within five years and completed within ten years from and after the passage thereof. Loans.

SECTION 6. That the said company shall make an annual report to the Legislature in the month of March, stating the quantity of coal mined by it, and the quantity of coal and number of passengers transported over its works during the previous year; and the Legislature, for any misuse or abuse of the privileges granted by this act, may at any time repeal or revoke any of the said privileges or this act in such manner, however, as to do no injustice to the corporators. Report to Legislature.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 141.

A FURTHER SUPPLEMENT

To an act entitled "An Act to create permanently the office of State printer."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* in lieu of the rates allowed by the fourth section of the act of twenty-third March, one thousand eight hundred and forty-four, entitled "An Act giving out for a term of years all the printing and binding of the Commonwealth, for printing the blanks and circulars required in the different departments of the government," the following shall be paid, to wit: For the printing, pressing, and faint lining of every quire of twenty-four full sheets of quarto post or foolscap paper, fifty cents; for the printing, pressing, and faint lining of every quire of twenty-four full sheets of folio post writing paper, seventy-five cents; and for every quire of twenty four sheets of demi-medium or larger sized writing paper, one dollar: *Provided*, That when said blanks are faint and red ruled, twenty cents additional shall be allowed for each quire, and the printer shall in all cases furnish the paper, which shall be of the quality now used for the same purpose, and be satisfactory to the department by which the blanks are ordered.

Rates of public printing.

Proviso.

Governor to appoint superintendent.

SECTION 2. That the Governor shall appoint, by and with the advice and consent of the Senate, annually, a practical printer for the term of one year, or until a successor shall be appointed, a superintendent of public printing, who shall receive an annual salary of eight hundred dollars, and before entering upon his office shall be sworn or affirmed faithfully to discharge the duties thereof, and give a bond to the Commonwealth with two sufficient sureties, to be approved by the Governor, in the sum of two thousand dollars, for the faithful performance of the duties of his office: *Provided*, That during the continuance in office of such superintendent he shall not be either directly or indirectly interested in or connected with any printing office in the borough of Harrisburg, nor shall he be concerned either as principal or agent in the sale of paper.

Proviso.

Duties of superintendent.

SECTION 3. That it shall be the duty of said superintendent of public printing to receive, take charge of, and arrange all the reports made to the Governor by the heads of departments, to be embraced in the Executive documents, and have the same printed by the public printers and delivered to the Legislature within ten days after the assembling of the same; he shall also, arrange the journals of the two houses and all other matter ordered to be printed by the Legislature, and supervise the printing thereof, causing it to be done in a prompt and workmanlike manner, and whenever the public printer fails to comply with his contract in such manner as shall occasion inconvenience to the Legislature or detriment to the public interest, the said superintendent shall,

with the advice and consent of the joint committees on public printing, employ another printer to execute such part of the work as may be in arrears, and charge any excess of cost to the public printer.

SECTION 4. That it shall be the duty of said superintendent to receive orders for all blanks that may be needed by either of the departments at Harrisburg or for the public works, have them executed in a workmanlike manner by the public printer, and forward them to the officers ordering them, he entering in a book to be kept for that purpose, the number of quires of each kind of blanks that may be printed; he shall examine the accounts of the public printers, comparing the items with his record of the amount of work done, and shall give a certificate of the correctness thereof, before payment shall be made; he shall receive and receipt for all the documents printed for the Legislature, and see that the numbers ordered are properly furnished. Further duties.

SECTION 5. That the superintendent of public printing shall, with the concurrence of the Secretary of the Commonwealth and the Auditor General, purchase all the paper to be used by the public printer except that required for printing blanks as specified in the first section of this act, and before the final settlement of the printers' bill for any year, he shall ascertain by computation, whether the paper so bought has been exclusively used for the public printing, and certify the facts to the Auditor General. Superintendent to purchase paper.

SECTION 6. That the said superintendent shall cause all the documents ordered to be printed by either branch of the Legislature, other than those embraced in the volume of executive documents, to be printed and bound in one volume, and labeled "Legislative Documents," five hundred copies whereof shall be printed, bound, and distributed in like manner with the journals, which volume shall be issued in place of and contain all the matter which otherwise would have been contained in the second volumes of the journals of either house: *Provided*, That this section shall not be construed to apply to the printing ordered at the present session. Superintendent to publish documents. Proviso.

SECTION 7. That the proposals for doing the public printing and binding shall be construed to refer to the prices for binding specified in the fifth section of the act of twenty-fourth March, one thousand eight hundred and forty-three, relative to the public printing, and all bills for folding, stitching, and covering, shall be settled with reference to said rates, and no allowance shall be made for covers of documents or pamphlets, whether printed upon or otherwise, other than is expressly provided for by said rates, any custom or usage to the contrary notwithstanding: *Provided*, That no document of less than twenty-four pages shall be covered, unless specially ordered by either branch of the Legislature. Construction of proposals. Proviso.

SECTION 8. That the public printer shall not be allowed compensation for correcting forms in any case except where alterations shall have been made in the original copy, in which case he shall be paid twenty cents an hour for the time actually employed in making such corrections. Compensation.

SECTION 9. That there shall hereafter be printed from the original forms used in printing the executive documents, three thousand copies of the Auditor General's report on the finances, three thousand copies of the Canal Commissioners' report, and fifteen thousand copies of the report of the Superintendent of Common Schools, to be delivered as soon as possible after the opening of each session of the Legislature, Reports of Auditor General, Canal Commissioners, and Superintendent of Common Schools.

Proviso. one-third whereof shall be for the use of the Senate and two-thirds for the use of the House of Representatives: *Provided*, That no charge shall be made for the composition of the copies herein ordered; and in the German language there shall be printed one-fourth of the aforesaid numbers of each of said documents, to be distributed in like manner and proportion.

Repeal. SECTION 10. That so much of any act as is hereby altered or supplied, be, and the same is hereby repealed: *Provided*, That the provisions of this act shall not apply to the present public printer.

What to be printed. SECTION 11. That there shall hereafter be printed sixty-five hundred copies of the pamphlet laws, sixty copies of which shall be full bound in unsplit sheepskin of the best quality, twenty copies to be side-labeled "Property of the Senate," thirty copies to be side-labeled "Property of the House of Representatives," and ten copies to be labeled "State Library:" *Provided*, That this section shall not take effect

Proviso. until the expiration of the present contract with the public printers, unless they shall consent thereto by furnishing the additional copies hereby authorized at the prices named in said contract.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 142.

AN ACT

In relation to the railroad between Chambersburg and Hagerstown.

Preamble. WHEREAS, By an act of the General Assembly, approved the tenth day of April, Anno Domini, one thousand eight hundred and fifty, the Franklin railroad, within Pennsylvania, was directed to be sold together with all the franchises, privileges powers and advantages of the company incorporated to construct the said road:

And whereas, The said railroad and franchises have been sold under the authority of the said act, and the sale thereof duly ratified and confirmed:

And whereas, Since the said sale certain laws have been passed to enable the purchaser or purchasers thereof to raise money to relay the said railroad:

And whereas, It is greatly to be desired that the said Franklin railroad should as speedily as possible be relaid from Chambersburg to Hagerstown with heavy iron rails, so as to adapt the same for the use of steam power, and that the objects of the original act incorporating the Franklin railroad company should be accomplished; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel D. Culbertson, Joseph Snively, William Heyser, John N. Hutchinson, Peter McMartin and Thomas A. Biddle, are hereby appointed commissioners, and they, or any three of them, are authorized to open books at such time and place, and upon such notice as they shall deem expedient for the purpose of receiving subscriptions to the capital stock of the company hereinafter directed to be incorporated, to keep open said books until not less than three thousand shares of the par value of fifty dollars each shall have been subscribed to said capital stock, and no subscription shall be valid unless the person or persons making the same shall pay to the said commissioners, at the time of subscribing the sum of ten dollars on each and every share so subscribed, and if any of the said commissioners shall resign, neglect to act, or be absent, or become legally incapacitated to act, during the continuance of the duties devolved upon them by this act, others may be appointed in their stead by a majority of the persons named in this act. Commissioners and their duties.

SECTION 2. That the capital stock of the said company shall be the same as that allowed and permitted by the second section of the act to incorporate the Franklin railroad company, approved the twelfth day of March, Anno Domini, one thousand eight hundred and thirty-two. Capital stock.

SECTION 3. That as soon as three thousand shares are subscribed to the capital stock of said company, a majority of the commissioners named in this act shall certify under their hands and seals to the Governor of this Commonwealth the names of the subscribers and the number of shares subscribed by each subscriber, and that ten dollars has been paid on each share, and thereupon the Governor shall forthwith, by letters patent, under his hand and the seal of this Commonwealth, erect and create the said subscribers, and such others as may thereafter subscribe to the capital stock of the said company or become stockholders therein, and their assigns, into a body politic or corporate, in deed and in law, by the name, style and title of "The Chambersburg, Greencastle and Hagerstown railroad company," and by that name the said subscribers and stockholders shall have perpetual succession, and all the necessary and proper incidents of a corporation and the corporate powers enumerated in the third section of the said act to incorporate the Franklin railroad company, which are hereby conferred upon them, and also shall upon purchasing and receiving a deed or deeds for the Franklin railroad and its appurtenances, and the franchises, powers, privileges and advantages of the said Franklin railroad company, given to the said company by the laws of this Commonwealth and of the State of Maryland from the purchaser or purchasers thereof, under the authority of an act of the General Assembly of this State, approved the tenth day of April, Anno Domini, one thousand eight hundred and fifty, and of any laws passed, or hereafter to be passed by the Legislature of Maryland, his or their heirs, executors, administrators or assigns, as is hereinafter provided for, become vested with, and hold, take and enjoy all the said franchises, powers, privileges and advantages as fully and effectually as if the same had by express enactment been hereby granted and conferred upon the said Chambersburg, Greencastle and Hagerstown railroad company. Letters patent.

SECTION 4. That the said company hereby directed to be incorporated shall be organized in the same manner as provided in the fourth section of the said act to incorporate the Franklin railroad company, all provisions of which said section are hereby enacted as to the com- Privileges.

Organization.

pany hereby directed to be incorporated in all the words and effect thereof, except so much thereof as has since been repealed or as is hereby supplied.

To receive from Franklin railroad company their privileges and franchises.

SECTION 5. That the president and managers of the said company shall have full power and authority to receive, take and hold from the purchaser or purchasers of the Franklin railroad, and of all the franchises, powers, privileges and advantages of the said Franklin railroad company, either under the laws of Pennsylvania or of Maryland, at the sale authorized by said act, approved the tenth day of April, Anno Domini, one thousand eight hundred and fifty, and at any sale authorized, or hereafter to be authorized, by any law of the State of Maryland, a full and absolute grant and conveyance or conveyances thereof, and of all the estate, right, title and interest of said purchaser or purchasers, their heirs, executors, administrators and assigns of, in, to and out of the estates, lands, tenements, rights, liberties, privileges, franchises, powers and immunities, formerly belonging to the said Franklin railroad company, purchased by him or them, under the said act, approved the tenth day of April, Anno Domini, one thousand eight hundred and fifty, and the orders and decrees of the court of common pleas of Franklin county, and purchased, or hereafter to be purchased, under the authority of any law of the State of Maryland, authorizing the sale thereof, which conveyance or conveyances shall be recorded in the office of the recorder of deeds of Franklin county, and shall vest in said corporation all the said estates, lands, tenements, powers, privileges, franchises and advantages, and the said president and managers are hereby further authorized to pay for the said grants and conveyances either in cash, stock, or securities of said company, such an amount as may be agreed upon by the said president and managers if by them deemed expedient.

Provisions of certain act extended to the company incorporated by this act.

SECTION 6. That all the provisions of the original act entitled "An Act to incorporate the Franklin railroad company," and the several supplements thereto, except so far as the same have been hereby altered or supplied, shall be, and they are hereby declared to be extended and applied to the company, to be erected and created under the provisions of this act as fully and effectually as if the same were herein specifically recited and re-enacted in relation thereto, and that the said Chambersburg, Greencastle and Hagerstown railroad company are hereby invested with all the powers and privileges heretofore by law conferred upon the Chambersburg and Hagerstown railroad company.

Required to re-lay said railroad.

SECTION 7. That the company hereby directed to be incorporated shall be required to re-lay the said railroad from Chambersburg by Greencastle to Hagerstown within eighteen months from the date of the letters patent hereby directed to be issued.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The seventeenth day of March, A. D., one thousand eight hundred and fifty-three

WM. BIGLER.

No. 143.

A N A C T

Legitimizing Sarah Ann Murray; incorporating the Oswayo plank road company; relative to the destruction of foxes, and to the support of schools in Potter county; to the Wellsboro' and Toga plank road company; to an election district in Clearfield county; in relation to the sale of a certain toll-house in Huntingdon county, and to a toll-gate near the free bridge at Huntingdon, on the Huntingdon, Cambria and Indiana turnpike road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Sarah Ann Murray, of the township of Monroe, in the county of Bedford, shall have and enjoy all the rights, benefits and advantages of a child born in lawful wedlock, and shall be able and capable in law, to inherit and transmit any estate whatsoever, as fully and completely to all intents and purposes, as if she had been born in lawful wedlock. Sarah Ann Murray legitimated.

SECTION 2. That Benjamin D. Dolly, William Shattuck, George Estus, Salmon Hawley, Salmon R. Miner, William Dalrymple, and Wm. C. McDougall, be, and they are hereby appointed commissioners to open books, receive subscriptions of stock, and organize a plank road company in accordance with and subject to the provisions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, to be known as the Oswayo Village plank road company, with authority to enter upon lands and public roads, and to construct a plank road from Oswayo Village, in the county of Potter, by the most practicable route to the New York State line, at any point in the said county of Potter, and to make any lateral road or roads to connect the same or any section thereof with the Wellsville plank road, or with any other point, as said company may deem advisable for the promotion of its own and the public interests. Commissioners.
Subject to provisions of certain act.
Style.
Location.

SECTION 3. That the capital stock of said company shall consist of ten thousand dollars, in shares of twenty-five dollars each, with the right to increase the same from time to time, as the board of directors may find necessary, or deem expedient. Capital stock.

SECTION 4. That the company shall have the right to use and charge tolls upon any portion of said main line, or of the lateral roads authorized by this act, whenever, and as often as three consecutive miles shall be completed and approved as required by the act of twenty-sixth January, one thousand eight hundred and forty-nine. Tolls.

SECTION 5. That the work shall be commenced within three years from the passage of this act, and completed within ten years, but the failure to complete the whole line within that time, shall not work a forfeiture of the parts which may have been completed so as to entitle the company to receive tolls on them. Commencement and completion of road.

SECTION 6. That from and after the passage of this act, it shall not be lawful for the commissioners of the county of Potter, to pay out of the county funds any bounty on any fox that may be caught and killed within the boundaries of said county, and all laws inconsistent herewith be, and the same are hereby repealed. Premium on fox scalps in Potter county, act repealed.

Bounty on foxes appropriated to common schools. SECTION 7. That the sum of one hundred and seventy dollars, it being the amount paid as bounty on foxes, for the year one thousand eight hundred and fifty-two, be, and the same is hereby appropriated to the common schools of Potter county, and it shall be the duty of the secretaries of the several school districts in said county, on or before the first day of June, in each and every year, to make out a true statement, which statement shall be sworn or affirmed to be true before some justice of the peace, or other person having power to administer oaths, of all resident scholars in their respective districts, whereupon the county commissioners shall draw their orders in the usual manner upon the county treasurer in favor of the treasurer of the several school districts in said county, giving each district their quota, according to the number of scholars.

President and managers of the Wellsborough and Tioga plank road company authorized to borrow money. SECTION 8. That the president and managers of the Wellsborough and Tioga plank road company be, and they are hereby authorized and empowered to borrow a sum of money not exceeding ten thousand dollars, and to secure the payment of the amount so borrowed, to execute and deliver a mortgage or mortgages under the seal of the said company, signed by the president and attested by the secretary of the same, to the lender or lenders thereof upon the road of said company, and the income thereof, and upon their corporate rights and franchises in such form and manner, that upon sale of the same under said mortgage or mortgages for default of payment of principal and interest according to the tenor of said mortgage or mortgages, the same shall be as fully vested in the purchaser or purchasers thereof, as if he, she or they had been the original corporators, and from thenceforth all the provisions of the act of incorporation of said plank road company with corporate powers conferred, and of the several laws of this Commonwealth in relation thereto, and shall be for the benefit of the said purchaser or purchasers: *Provided*, That it shall not be lawful for said company to declare any dividend upon the shares of the capital stock of said company, whilst a mortgage or mortgages executed under the provisions of this act shall remain unpaid.

Proviso.

For closure of mortgage. SECTION 9. That in case of failure of the said company to pay the moneys secured by said mortgage, as the same shall become due, the mortgagee or mortgagees their executors, administrators or assigns may proceed to foreclose said mortgage or mortgages by seire facias, levam facias, and sheriff's deed, in the manner now authorized and allowed by law for the foreclosure of mortgages in other cases: *Provided*, That the holder of the mortgage shall be at liberty to foreclose the same as aforesaid, at any time after failure to pay, without waiting twelve months after the last payment falls due.

Proviso.

Chess tp., Clearfield co. SECTION 10. That after the March elections in the present year, the general and township elections in Chess township, Clearfield county, shall be held at the school house near Simon Rorabaugh's, in said township.

Commissioners of Huntingdon co. to sell toll house. SECTION 11. That the commissioners of Huntingdon county be, and they are hereby authorized either to sell and convey such estate in a certain toll house and premises, situated at the northern extremity of the bridge across the Juniata river, near the western end of the borough of Huntingdon, as the president, managers and company of the Juniata bridge company, heretofore expressly agreed to sell and vest in the said county as appurtenant to said bridge, under the provisions of an act passed eleventh March, one thousand eight hundred and fifty-two, if they deem it more advisable to hold the same for the use of said county.

SECTION 12. That the Huntingdon, Cambria and Indiana turnpike road company, or the sequestrator of said company or any other person for them, shall not have power to locate or fix a toll gate at any point nearer the free bridge at the west end of Huntingdon, than the toll gate is now located, a violation of the foregoing shall subject said company or sequestrator, or any other person for them, to a fine of one hundred dollars, to be recovered as sums of like amount are now recovered.

Toll gate near free bridge, at the west end of Huntingdon, prohibited.

SECTION 13. That Alanson E. Niles, and Zeephia Johnson, administrators of Luther Johnson, deceased, be, and they are hereby authorized to make and execute a deed to James J. Jackson, and Lucy Jackson, only heirs of Jonathan Webster, deceased, of a certain mill race, cut and occupied by Jonathan Webster, deceased, in his life time, through and over the land of the said Luther Johnson, deceased, upon the payment to said administrator for the use of the heirs of the said Luther Johnson, deceased, the balance now due for the same, and said deed to be as valid and effectual to convey the right and interest thereto, as though made by the said Luther Johnson, in his life time: *Provided*, That the orphans' court of the county of Tioga, shall approve of and confirm such deed and conveyance.

Alanson E. Niles and Zeephia Johnson authorized to make a deed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The seventeenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 144.

AN ACT

To repeal the sixteenth section of the act of third of April, one thousand eight hundred and fifty-one, so far as relates to the borough of Condersport, and relative to the duties of high constable, and sale of liquors in said borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sixteenth section of the act regulating boroughs in this Commonwealth, approved the third day of April, A. D., one thousand eight hundred and fifty-one, as far as relates to the borough of Condersport, in the county of Potter, be, and the same is hereby repealed, and no other qualifications of voters at the borough election be required, than the qualifications now required by law of the citizens voters in their respective township and general elections in this Commonwealth. Repeal.

SECTION 2. That the thirteenth section of said act, regulating the powers of high constable, be, and the same is hereby repealed, as far

Repeal.

as relates to the borough of Coudersport, and the authority of the high constable shall hereafter be confined to the said borough.

Repeal.

SECTION 3. That the third section of an act, relating to the sale of liquor in the borough of Mauch Chunk, Coudersport and McKeesport, and to the collection of taxes in the county of Potter be, and the same is hereby repealed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The seventeenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 145.

AN ACT

Relating to the bounty on wolves, in the county of M'Kean; relative to a plank road in Washington and Greene counties; the assessment of a dog tax in Addison township, Somerset county; to the re-location of a turnpike road in Indiana county, and to the registration of certain names by the register of York county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act within the county of M'Kean, the bounty on full grown wolves killed in said county shall be twelve dollars, and on wolf puppies, five dollars, and so much of any law as is altered by this act is hereby repealed, so far as relates to the amount of said bounty, but in all other respects to remain in full force.

Bounty on
wolves in
M'Kean co.

Uppen Ten

Mile plank road,
time of comple-
tion extended.

SECTION 2. That so much of the third section of the act, entitled "An Act to incorporate the Upper Ten Mile plank road company in Washington county," passed the fifteenth day of April, Anno Domini, one thousand eight hundred and fifty-one, which requires the company to commence the construction of said road within two years and complete at least four miles, be, and the same is hereby extended for the term of five years, from the fifteenth day of April, one thousand eight hundred and fifty-three.

Further powers
of company.

SECTION 3. That the said company shall have the power of passing over, along and upon the bed of the present road leading from the south end of Main street in the borough of Washington, to the village of Prosperity, on the farm of R. Wallace, in Morris township, and thence by the nearest and most practicable route to the borough of Waynesburg, in Greene county.

Duties of assess-
ors of Addison
tp., Somerset
co.

SECTION 4. That after the passage of this act the assessors of the townships of Addison, in the county of Somerset, shall annually when taking the names of the taxable inhabitants of said township, take an accurate account of all dogs upward of one month of age, male or

female, owned, possessed or kept by any person or persons within said township, shall note the number owned or possessed by any person or persons, and kept about any one house, and furnish to the auditors of said township with the said account, whereupon the auditors of the said township shall levy and cause to be collected annually by the collectors of the State and county tax, who are hereby invested with like authority and power to collect said tax on dogs, as are the collectors of township rates and levies, from every person owning, possessing or keeping more than one dog, the sum of fifty cents for the second, and one dollar per head for all above two, which tax shall be paid to the town clerk of said township, who is hereby constituted treasurer of said fund whose duty it shall be to pay out on warrants issued and signed by at least two of the auditors of said township, and when any inhabitants in said township shall sustain damage by having sheep injured and destroyed within the same by a dog or dogs, he or she may apply to the auditors of said township who are hereby appointed appraisers of the damage done by the dogs to sheep, and they, or any two of them are hereby authorized and required to ascertain the amount of damage sustained by the owner of such sheep injured or destroyed as aforesaid, and certify the same.

SECTION 5. That John H. Shryock, of the county of Indiana, be and he is hereby appointed a commissioner to change, alter and re-locate at its present width, that part of the Armstrong and Indiana turnpike road which lies between the line of David Crookshank's land, and the line of James Heffelfinger's land in said county. John H. Shryock
appointed a
commissioner.

SECTION 6. That the supervisors of Armstrong township in said county, shall immediately upon receiving notice from said commissioner of the change and re-location aforesaid, open the said road, and there- after keep the same in repair in the same manner as other parts of said road within said township. Duties of super-
visors of Arm-
strong tp.

SECTION 7. That the register of the county of York, is hereby authorized and directed to enter upon the books provided for that purpose, the names of John C. Boyd and family, who do not come within the provisions of the act providing for the registration of births, marriages and deaths. Register of York
co. to make cer-
tain entries.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The seventeenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 146.

A SUPPLEMENT

To an act further to regulate proceedings in courts of justices, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the first section of the act entitled "An Act further to regulate proceedings in courts of justices, and for other purposes," approved the sixth day of May, one thousand eight hundred and forty-four, shall not apply nor be held or construed to apply to any bill or proceeding in equity, whether now pending or hereafter to be instituted, wherein the Commonwealth is plaintiff or complainant: *Provided, however,* That in all such cases it shall be the duty of the court, in which the same may be depending, as far as practicable, to expedite the final hearing and determination thereof by such order or orders as they may deem expedient or advisable for that purpose.

Construction of
first section of
6th May, A. D.,
1844.

Proviso.

Proceedings be-
fore supreme
court, by quo
warranto.

SECTION 2. That in all proceedings by quo warranto, whether at the suggestion of the Attorney General or any person or persons desiring to prosecute the same, against any association or any number of persons who shall act as a corporation, or shall exercise any of the franchises or privileges of a corporation without lawful authority, or against any corporation which shall forfeit by mis-user or non-user its corporate rights, privileges, or franchises, or shall do, suffer, or omit to do any act, matter, or thing whereby a forfeiture thereof shall by law be created, whether the said forfeiture may be declared by the Legislature or otherwise, or shall exercise any power, privilege, or franchise not granted or appertaining to such corporation, the suggestion may be filed and all proceedings had in the supreme court, wherever the same may be sitting, and any questions of fact on which an issue may be ordered shall be tried before a judge of the supreme court and by a jury summoned from any county in which the supreme court shall be sitting at the time of such trial and proceedings commenced or prosecuted in any district as may be requisite for the speedy determination thereof.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The seventeenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 147.

AN ACT

To incorporate the Mercer and New Lebanon plank road company ; and relative to the borough of New Castle, Lawrence county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners. rs. John Forker, William Maxwell, Samuel Griffith, Lewis Weaver, Henry Forker, Samuel Kepner, Joseph Shipler, Samuel Henderson, Samuel M'Millan, William Miller, Jacob Fahniger, James F. Brown, John P. Vath, Samuel Kerr, James A. Leach, James Murr, Robert C. Jordon, or any five of them, are hereby appointed commissioners to open the books, receive subscriptions, and organize a company by the name, style Style. and title of "The Mercer and New Lebanon plank road company," to locate and construct a plank road from the borough of Mercer to the village of New Lebanon, in the county of Mercer, subject to all the provisions and restrictions of an act regulating turnpike and plank road Subject to the provisions of certain act. companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as the same are not inconsistent with the following sections.

SECTION 2. That the capital stock of said company shall consist of Capital stock. one thousand shares, at twenty-five dollars per share: *Provided,* That Proviso. the said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete said road according to the true intent and meaning of said act.

SECTION 3. That if the said company shall not commence the con- Commencement struction of said road within two years, and complete the same within and completion of road. five years, this act shall be null and void except so far as may be necessary to settle the affairs of the company.

SECTION 4. That on application of the citizens of the borough of New Castle, to the town council by petition, to lay out, widen or straighten any street, lane or alley, sewer or water course now laid out, or to be laid out, the said town council shall have power to appoint three viewers, citizens of said borough, one of whom shall be a practical surveyor, who shall have power to enter upon any lands within the limits of said borough, and lay out new streets, lanes, alleys, sewers or water courses, or widen those already laid out; the viewers so appointed shall assess the damages, taking into consideration the advantages as well as the disadvantages done to the owners of property by such opening or widening, and shall make report of the same with their report of the said street, accompanied by a draft thereof, to the town council, which report if approved, shall lie over for thirty days to give time for exceptions, when said exceptions shall be considered, and if not sustained, said town council may confirm said report and fix the width of said street, lane, alley, sewer or water course; within thirty days after said confirmation, any property holder aggrieved may appeal from the judgment of said council to the court of quarter sessions of Lawrence county, whose decision shall be final; such appellant

shall apply to the clerk of said council and procure a transcript of the proceedings in the matter, which he shall file in the office of the clerk of said court, and shall enter in recognizance before him with one sufficient surety, in a sum sufficient to cover all costs that may accrue; if said appeal be not sustained, the town council shall designate one of the viewers to put up six written or printed notices of the time and place of meeting of said viewers, ten days previous to the view; the viewers shall before entering upon their duties, be sworn or affirmed; said council may prescribe a time for the return of said views after the report of viewers in relation to any street, lane, alley or sewer is confirmed by the said council, and by the court if appealed from the said council, shall issue their order to the street commissioners to open the same; before opening of any street, lane, alley or sewer as aforesaid, the president and clerks of said council shall draw their warrant upon the treasurer of said borough for the damages so assessed: Any law of this Commonwealth inconsistent herewith is hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The seventeenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 148.

AN ACT

Relative to the revocation of a certain deed of trust, executed by Charles Willing, of the county of Philadelphia.

Preamble.

WHEREAS, Charles Willing, then of the city of Philadelphia, did, on the twenty-fourth day of January, Anno Domini, one thousand eight hundred and forty-three, execute a deed of trust to George H. Thompson and Josiah Randall:

And whereas, The said Josiah Randall and the said George H. Thompson, together with the said Charles Willing, and all parties in interest, unite in praying the Legislature to revoke the said deed:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the deed of trust executed by Charles Willing, then of the city of Philadelphia, to George H. Thompson and Josiah Randall, on the twenty-

Deed of trust,
executed by C.
Willing.

fourth day of January, Anno Domini, one thousand eight hundred and forty-three, be, and the same is hereby revoked.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The seventeenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 149.

AN ACT

To authorize the administratrix of Benjamin A. Bidlack, deceased, to sell and convey real estate, and relative to the courts in Lebanon and Dauphin counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That ^{Estate of Benjamin A. Bidlack.} ~~That~~ Mrs. Matilda M. Miner, (late Mrs. Matilda M. Bidlack, and now the ^{min A. Bidlack.} ~~min A. Bidlack.~~ wife of Doctor Thomas W. Miner,) administratrix of the estate of Benjamin A. Bidlack, late of the county of Luzerne, deceased, be, and she is hereby authorized and empowered to sell at public or private sale, in such manner and at such price or prices as she may deem expedient and most conducive to the interest of said estate, all the right, title and interest, which the said Benjamin A. Bidlack, at the time of his death, had, and held in and to any and all lands in the county of Luzerne, and to convey such right, title and interest in and to any and all such lands to the purchaser or purchasers thereof, by proper deed or deeds, and such sale or sales, and conveyance or conveyances, shall be as effectual to vest title in such purchaser or purchasers, as if the same had been made and executed by the said Benjamin A. Bidlack in his life-time; *Provided,* That before the execution ^{Proviso.} and delivery of any such deed or deeds, any and all such sale or sales, shall be reported to the orphans' court of said county of Luzerne, and with any such report, said administratrix shall file in said court a bond in such sum, and with such surety or sureties as said court shall approve, conditioned for the just appropriation of the purchase money, and thereupon, said court, if satisfied of the propriety of such sale or sales, shall endorse an order of absolute confirmation of the same upon said report.

WHEREAS, On the tenth day of June, A. D., one thousand eight ^{Preamble.} hundred and thirty-four, the said Benjamin A. Bidlack, in and by a certain contract, in writing, by him executed and delivered to Nathan Beach, Esquire, of the said county of Luzerne, now deceased, agreed for the considerations in said contract recited, to hold in trust for the

said Nathan Beach, the title to the one full equal undivided half part of a certain tract of land, situate then in the township of Hanover, and now in the township of Denison, in the said county of Luzerne, surveyed on warrant granted to Andrew Kennedy, containing four hundred and one acres and allowances.

Preamble.

And Whereas, Since the date of the execution and delivery of said contract, the said Benjamin A. Bidlack hath died without making provisions by will or otherwise for the conveyance to the said Nathan Beach, or his heirs or assigns, of the said undivided moiety or half part of said tract of land :

And whercas, Andrew T. McClintock, Esquire, administrator of the estate of the said Nathan Beach, deceased, pursuant to the provisions of an act of Assembly of this Commonwealth, passed the third day of May, A. D., one thousand eight hundred and fifty-two, hath sold the interest of said Nathan Beach in said described tract of land, to Algernon S. Roberts and Edward Roberts, of the city of Philadelphia :

And Whereas, For the improvement and developement of said tract of land, a conveyance ought to be made to the said Algernon S. Roberts and Edward Roberts, and their heirs and assigns, of the said undivided moiety or half part of the said tract of land ; therefore,

Administratrix
of Benjamin A.
Bidlack to make
a deed.

SECTION 2. Be it enacted that the said Matilda M. Miner, administratrix, as aforesaid, be, and she is hereby authorized and empowered to execute and deliver a deed, conveying and confirming to the said Algernon S. Roberts and Edward Roberts, and their heirs and assigns, all the aforesaid full equal undivided moiety or half part of the said tract of land in the warrantee name of Andrew Kennedy, as aforesaid, and the said deed shall be as effectual to vest the title thereto, as if the said Benjamin A. Bidlack, in his life-time, in due form of law, had conveyed the same ; *Provided, however*, That the said administratrix shall not deliver the said deed until a deed shall have been executed by the administrator of Nathan Beach, deceased, and delivered to said Algernon S. Roberts and Edward Roberts, pursuant to the said recited sale ; *And provided also*, That the signatures of the said Benjamin A. Bidlack, and of the subscribing witness to the hereinbefore recited contract, shall be proved by the oath of at least one disinterested person acquainted with said signature endorsed on said contract, and that said contract, when so proved, shall be recorded, together with the deed of the administratrix aforesaid, in the office of the recorder of deeds, et cetera, of the said county of Luzerne.

Proviso.

Proviso.

Time of holding
courts in Leba-
non co.

SECTION 3. That so much of the act of the fourteenth day of April, one thousand eight hundred and thirty-four, as requires the courts in Lebanon county, to be holden on the first Monday in August, and to continue two weeks, be, and the same is hereby repealed, and so much thereof as requires the courts in Dauphin county, to be holden on the third Monday in August, be, and the same is also hereby repealed, and in lieu thereof, the courts in Lebanon county shall commence on the third Monday in August, and continue for one week, if the business depending in the same shall require it, and the courts in Dauphin county shall commence on the Monday next following the fourth Monday in August, and continue as heretofore, and the terms

of the said court shall be, and the same are hereby altered to correspond with the provisions of this act.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 150.

A N A C T

To incorporate the Girard and Albion plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Webster, George H. Cutler, John M'Clure, John Gulliford, J. Commissioners. L. Forster, Agrippa Martin Williams, Maynard Leffert, Hart Robertson, Wilcox J. J. Halstead, Samuel Sisson, M. S. Rouse, Pelham Barker, H. A. Hills, Pierson Clark, J. Howland, Litchfield Azer Barrett, or any five of them, be and they are hereby appointed commissioners to open books, to receive subscriptions and organize a company by the name, style and title of the Girard and Albion plank road com- Style. pany, to locate and construct a plank road from Girard in Erie county, to Albion in said county, by such route as shall be best and most practicable, said road to be so graded that it shall in no place rise or fall more than will form an angle of four degrees with a horizontal line, subject to the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, A. D., one thousand eight hundred and forty-nine, and the several Subject to provisions and restrictions of certain act. supplements thereto, so far as they are not inconsistent with this and the following sections.

SECTION 2. That the capital of said company shall consist of six Capital stock. hundred shares of twenty-five dollars each share: *Provided*, That said Proviso. company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, and to carry out the true intent and meaning of this act.

SECTION 3. That when the said company shall have finished three Letters patent. miles or more of said road, the president thereof may give notice to the Governor, who shall thereupon do and perform the duties prescribed in the twelfth section of said act of the twenty-sixth day of January, one thousand eight hundred and forty-nine.

SECTION 4. That the said company shall have power to connect with Connection with the Meadville and Edinboro plank road, or with any plank road run- other roads.

ning along the valley of the Cussawago, at or near Cussingville, or continue the same to Meadville or Conneautville, in Crawford county.

Commencement
and completion
of said road.

SECTION 5. That if the said company shall not commence the construction of the said road within three years after the granting of this charter, and complete the same within ten years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The nineteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 151.

AN ACT

For the relief of Dorcas Vanhorn, widow of an old soldier; authorizing the Bloomsburg railroad iron company to sell their real and personal estate; and relative to an election district in Indiana county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the State Treasurer be, and he is hereby authorized and required to pay to Dorcas Vanhorn of Indiana county, widow of Isaiah Vanhorn, a soldier of the revolutionary war, an annuity of forty dollars, commencing on the first day of January, one thousand eight hundred and fifty-three, to be paid annually on the first day of January and July.

State Treasurer
to pay Dorcas
Vanhorn certain
money.

Bloomsburg
railroad iron
company autho-
rized to sell cer-
tain real estate.

SECTION 2. That the Bloomsburg railroad iron company, be, and are hereby authorized to sell and convey all the property, real and personal, of the said company, wheresoever situated, and after payment of all the debts of said company, to distribute all proceeds of the said property among said stockholders rateably, according to the number of shares held by each, so that said corporation may be dissolved, and the business of the same be finally closed.

Armstrong tp.,
Indiana co.

SECTION 3. That from and after the passage of this act, the qualified voters of Armstrong township, in Indiana county, be, and are hereby authorized to elect four supervisors of the public highways, at the usual time and place for holding township elections in said township.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The nineteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 152.

AN ACT

To authorize the Canal Commissioners to examine the claims of James O'Connor and company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Canal Commissioners be, and they are hereby authorized and required to examine the claim of James O'Connor and company, for injuries done to the two section boats named Cincinnati and Enterprise, and their cargoes, on the Western division of the Pennsylvania canal, in the month of November, Anno Domini, one thousand eight hundred and fifty-one, and if they shall ascertain that the damages sustained were occasioned by the negligence, carelessness, or inattention of any of the agents or officers of the Commonwealth appointed to keep and preserve the canal in proper navigable order, then to assess the amount thereof and report the same to the Legislature as speedily as practicable: *Provided, That* no damages shall be allowed except for the actual injury done to the boats and cargoes, and no item of damage shall be allowed unless the amount of the actual loss, deducting the value of the wrecks and damaged goods, shall be clearly established by affidavit.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 153.

AN ACT

To authorize the borough of Greensburg to subscribe to the capital stock of the Pennsylvania railroad company; relative to vacancies in the board of directors of road companies in Allegheny county; to borough officers in Port Clinton, Schuylkill county; relating to the prothonotary of Westmoreland county; relative to the Manor turnpike and plank road; and repealing the act authorizing the sale of the Warren bridge; and relating to overseers of the poor and supervisors of the several townships in Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the burgesses of the borough of Greensburg in the county of West-Greensburg to moreland, be, and they are hereby authorized and empowered to sub-subscribe to the

capital stock of
the Pennsylvania
railroad co.

scribe, not exceeding one thousand shares, to the capital stock of the Pennsylvania railroad company, for the purpose of constructing a branch of said railroad from a point on said road at or near said borough, to the borough of Uniontown in Fayette county, and the said burgesses are hereby further authorized and empowered to issue bonds of the said borough of Greensburg, to the amount subscribed as aforesaid, bearing interest not exceeding six per centum per annum, payable semi-annually, the principal whereof shall be payable at a period not exceeding twenty years, which said bonds may be received by the Pennsylvania railroad company, in payment of the stock subscribed as aforesaid, and not to be issued for sums less than one hundred dollars, and assignable only upon the book or books provided by said burgesses for that purpose by the holders thereof, or their heirs or legal representatives, or by some person having a power of attorney to make such assignment: *Provided*, That the said bonds shall not be issued as aforesaid until the taxable inhabitants of said borough shall first approve of the subscription aforesaid, at an election to be called and held for that purpose by the burgesses of said borough, and to be conducted according to such rules as the said burgesses shall establish.

Proviso.

Vacancies in
road companies
in Allegheny co.

SECTION 2. That in case by resignations, death or otherwise, the board of directors of any incorporated road company in the county of Allegheny, shall be left without a quorum, it shall and may be lawful for the stockholders of such company to supply such vacancy by a new election, whereof ten days previous public notice shall be given by the secretary or treasurer of such company.

Port Clinton,
Schuylkill co.

SECTION 3. That from and after the passage of this act, the election for borough officers of the borough of Port Clinton, Schuylkill county, shall be held at the house now occupied by Daniel L. Boyer, in said borough.

County officers
in Westmore-
land co.

SECTION 4. That at the next general election for the office of prothonotary and clerks of the several courts in the county of Westmoreland, the qualified electors of said county shall elect one person to fill the office of prothonotary, and one person to fill the office of clerk of the courts of general quarter sessions of the peace, clerk of the court of oyer and terminer, and clerk of the orphans' court of said county.

Amendment of
certain act.

SECTION 5. That the act entitled "An Act to incorporate the Manor turnpike and plank road company," and to increase the capital stock of the Pennsylvania railroad company, be altered and amended as follows: That the said Manor turnpike and plank road shall begin at the point on the New Alexandria and Pittsburg turnpike road at or near Salem, in Westmoreland county, as designated in the act to which this is a supplement, from thence by way of Jennings' mills, Harrison city, the Manor station, and terminating on the Greensburg and Pittsburg turnpike road at or near to the borough of Adamsburg, and that Joseph Walthour, Samuel Rosk, Mathias Sholion, Joseph Heybronk, David Kistler, David Gilchrist, Michael Baughman and John Goess, senior, be appointed additional commissioners, to open books, receive subscription, and to do and perform all other things provided for in the act to which this is a supplement, so far as it relates to Manor turnpike and plank road company.

Commencement
and completion
of road.

SECTION 6. That the time allowed said Manor turnpike and plank road company shall be extended one year longer to commence, and one year longer to finish said road, than is provided for in the original act to which this is a supplement.

Repeal.

SECTION 7. That the nineteenth, twentieth, twenty-first and twenty-second sections of an act entitled "An Act to incorporate the village

of Venango, in the county of Crawford, into a borough, and for other purposes," approved the first day of May, one thousand eight hundred and fifty-two, so far as it relates to the sale of the Warren bridge, be and the same is hereby repealed.

SECTION 8. That the overseers of the poor and the supervisors of roads in the several townships of Allegheny county, shall from and after the passage of this act, before they shall enter upon and discharge any of the duties of their respective offices, give a bond with security, to be approved by the auditor or auditors of the township in which such officer may be elected, in the sum of the amount of their respective duplicates, conditioned for the faithful discharge of their several duties, and the proper appropriation of the money which may come into their hands, which bond shall be in the name of the Commonwealth, for the use of the several townships, and the approval of it shall be in writing and signed by the auditor or auditors. The said bond shall be filed with the treasurer of the township, if there be one, and if not, then with the senior auditor of the township, and no tax shall be collected or received by such supervisor or overseer, unless he shall first have the certificate of such treasurer or auditor that such bond has been filed.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 154.

A N A C T

For the relief of Joseph Jackson, of Chester county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer be, and he is hereby authorized and directed to pay to Joseph Jackson or his order, out of any moneys in the State Treasury not otherwise appropriated, the sum of three hundred and fifty dollars, as a full compensation for all claims held by said Jackson against the Commonwealth.*

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 155.

AN ACT

To authorize the borough of West Newton, Westmoreland county, to subscribe to the capital stock of the Hempfield railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the burgesses of the borough of West Newton, in the county of Westmoreland, be, and they are hereby authorized and empowered to subscribe, not to exceed six hundred shares, to the capital stock of the Hempfield railroad company, and the said burgesses are further authorized and empowered to issue bonds of the said borough of West Newton to the amount to be subscribed as aforesaid, bearing interest not exceeding six per cent. per annum, payable semi-annually, the principal whereof shall be payable at a period not exceeding twenty years, which said bonds may be received by the said Hempfield railroad company in payment of the stock to be subscribed as aforesaid, the said bonds not to be subject to taxation, and not to be issued for sums less than one hundred dollars, and to be assignable only upon the book or books which the said burgesses are hereby authorized and required to procure, and in which they shall enter all bonds which may be issued as aforesaid, and keep a just account of all payments thereon, and only by the holders thereof, or their heirs or legal representatives, or by some person having a power of attorney to make such assignment: Provided, That the said bonds shall not be issued unless the said Hempfield railroad company shall be located within the boundaries of said borough of West Newton, or immediately adjacent thereto; And provided also, That the said bonds shall not be issued until the taxable inhabitants of said borough of West Newton shall first approve of the said subscription by a majority of their votes at an election to be called and held for said purpose by said burgesses, and to be conducted according to such rules as the said burgesses shall establish.*

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 156.

A FURTHER SUPPLEMENT

To the act incorporating the York and Cumberland railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the first section of an act entitled "A supplement to the act entitled 'An Act to incorporate the York and Cumberland railroad company,'"* approved the twelfth day of April, one thousand eight hundred and fifty-one, as makes it the duty of said York and Cumberland railroad company to collect and pay into the State treasury a tax of ten cents on every passenger passing over the entire length of said road, be, and the same is hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-third day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 157.

A FURTHER SUPPLEMENT

To the act entitled "An Act to incorporate the Pennsylvania railroad company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Pennsylvania railroad company be, and they are hereby authorized and empowered to subscribe to the capital stock or guarantee the bonds of such railroad companies in other States, as may seem to them important to promote the trade of Pennsylvania and the interest of the company, such subscription not to exceed fifteen per cent. of the capital stock actually subscribed to the said Pennsylvania railroad company, and to pay for the same in such manner as the directors of said Pennsylvania railroad company may determine: Provided, That said company shall give thirty days notice, which notice shall be during the session of the supreme court, in at least one newspaper published in the city of Philadelphia, and one newspaper published in the city of Pittsburg,*

Pennsylvania
railroad co. au-
thorized to sub-
scribe stock in
certain cases.

Proviso.

of any intended subscription or guarantee under the provisions of this act, and it shall be the duty of the supreme court to proceed without delay within the said thirty days, to hear and determine any application for a preliminary injunction, by any stockholder in said company, to restrain said company from making such subscription or guarantee.

SECTION 2. That for the purpose of meeting the subscriptions authorized by the foregoing section, and to enable them to construct their double track, it shall be lawful for said Pennsylvania railroad company, in addition to the said capital stock authorized by the twentieth section of the act incorporating said company, passed on the thirteenth day of April, one thousand eight hundred and forty-six, and the several supplements thereto, to issue certificates for any additional sums, not exceeding eighty thousand shares, and to demand and receive moneys for the same when subscribed for, in like manner, and also on the same conditions as to instalments and otherwise, as are provided for in the ninth section of said original act of incorporation: *Provided*, That the said additional capital stock shall be fifty dollars per share, as heretofore, and that the holders thereof shall have all the rights and immunities which are by law invested in the subscribers to the capital stock originally authorized to be created: *And provided further*, That no such certificate hereby authorized to be issued, shall be for a less sum than one hundred dollars.

Proviso.

Proviso.

Authority to
elect vice presi-
dent.

SECTION 3. That the directors of the Pennsylvania railroad company be, and they are hereby authorized to add to their number, by electing from the body of the stockholders, at such time as they may determine, and annually thereafter, if they deem it expedient, one person who shall act as vice president of said company, with such powers and for such compensation as the said board shall by by-law or resolution establish and direct.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-third day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 158.

A SUPPLEMENT

To an act incorporating the Easton water company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Easton water company are hereby authorized to increase the capital stock of said company six hundred shares, and to dispose of the same at such time and in such manner as in their judgment shall be deemed best.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-second day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 159.

AN ACT

To incorporate the Coatsville, Mortonville and Doe run plank road company, and relative to the repair of public roads in Birmingham township, Delaware county, and relative to the Darby and Upper Darby plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That C. P. Morton, C. E. Pennock, Joseph L. Pennock, Alexander Mode, Commissioners. Alexander Mode, junior, Joseph Baker, Nathan Baker, John Young, Jesse Coates, Geo. W. P. Coates, H. G. Thomas, Hamilton Graham, Wm. Dripps, Thomas Shields, Charles Huston, H. Gibbons, junior, and H. E. Steele, or any five of them, be, and they are hereby appointed commissioners to open books, receive subscriptions and organize a Style. company by the name, style and title of the Coatesville, Mortonville and Doe run plank road company, to construct a plank road from the village of Coatesville, in the county of Chester, upon the site of the present county road, through the village of Mortonville, to the mouth of Doe run, in the county of Chester, subject to all the provisions and Subject to pro-restrictions of an act regulating turnpike and plank road companies, visions and re-

strictions of certain act. approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are not inconsistent with this and the following sections.

Capital stock. **Proviso.** SECTION 2. That the capital stock of said company shall consist of four hundred shares of twenty-five dollars per share; *Provided*, That said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act.

Commencement and completion of road. SECTION 3. That if the said company shall not commence the construction of said road within four years from the passage of this act, and complete the same within eight years thereafter, this act shall become null and void, except so far as to wind up the affairs of said company and pay the debts of the same.

Newlin and East Fallowfield tps., Chester co. to subscribe stock. SECTION 4. That the township of Newlin, and the township of East Fallowfield, in Chester county, are hereby authorized to subscribe to the capital stock of said plank road company, the former to the amount of one thousand dollars, and the latter the sum of two thousand dollars; *Provided*, That the voteable inhabitants of said townships shall determine the same by a vote at a public meeting held therein for the purpose, of which public notice shall be given at least two weeks prior to said meeting, by six or more printed advertisements, put up at the most public places in each of said townships.

Birmingham tp. Delaware co., to elect three supervisors. SECTION 5. That from and after the passage of this act, it shall be lawful for the taxable inhabitants of Birmingham township, in Delaware county, at their next township election, to elect three suitable persons to serve as supervisors, one for one year, one for two years, and one for three years, and one person annually thereafter, to serve for three years, any two of whom may constitute a quorum to do business, and whose duty it shall be, within twenty days after their election, and every three years thereafter, to lay out and divide all the public highways in said townships into sections, not exceeding one-half mile in length, which they shall number and describe in a book kept by them for that purpose; they shall also distinctly specify therein what they may deem necessary for the improvement and keeping in repair each section of said public highways for the term of three years.

Duties of supervisors. SECTION 6. That it shall be the duty of said supervisors to expose all the said public highways, one section at a time, at public sale, on the road, to the lowest and best bidder, commencing on the third second day in the fourth month next, and to continue from day to day until all are sold, and every three years thereafter, of which sale at least ten days notice shall be given by not less than twelve handbills posted in the most public places in said township; *Provided*, That any person not holding property subject to execution and sale for debt, under the existing laws of the State, shall give such security for the performance of every contract so purchased as the supervisor may require.

Proviso. SECTION 7. That the supervisors shall divide all roads that may hereafter be laid out in said township into sections, not exceeding one-half mile in length, number and describe them, specify the nature and character of the work to be done, &c., as provided in the first section of this act, within twenty days of the time they receive the order for the opening of any road, and after giving ten days notice thereof, shall proceed to sell the same at public vendue, in manner and form as provided in the second section of this act, for such a length of time as they may deem necessary for the opening of the

Division of roads into sections.

same, after which they shall be kept in repair in the same manner as other roads in the township.

SECTION 8. That it shall be the duty of each purchaser to write his or their name, and the sum he or they are to receive for repairing his or their section or sections in the supervisor's book, under the description thereof, and any contractor or contractors neglecting or refusing to keep his or their section or sections in repair in conformity thereto, upon complaint of any citizen of said township made to the supervisors thereof, it shall be their duty to examine thereinto within four days, and if they deem the complaint well founded, to give notice thereof to the party or parties so complained of, and request him or them to put his or their portion of road in good repair within six days thereafter, and if he or they shall still neglect or refuse to repair the same, it shall be the duty of the said supervisors to have the same put in good repair, and the cost of said repairs shall be recoverable by said supervisors of said contractor or contractors, as other debts of equal amount are by law recoverable, with costs of suit, and if either of the supervisors holding contracts neglect or refuse to fulfil the same in accordance with the written specifications, it shall be the duty of the township auditors, or any two of them, upon complaint of any citizen of the townships made to them, to visit the section or sections so complained of within four days, and if they deem the complaint well founded, to give notice thereof to the supervisor or supervisors so complained of, and request him or them to put his or their portion of road in good repair within six days thereafter, and if said supervisor or supervisors still neglect or refuse to repair the same, it shall be the duty of said auditors to have the same put in good order at the cost of said supervisor or supervisors, in manner and form herein before provided for other delinquent contractors.

Names of purchasers to be written in supervisors' books.

SECTION 9. That it shall be the duty of the supervisors to inspect all the roads in the township at least once in two months, and if they find any contractor or contractors have neglected to fulfil his or their contract or contracts, to give notice thereof, as provided in the preceding section in case of complaints being made, and to enforce the same.

Supervisors to inspect roads.

SECTION 10. That it shall be the duty of the supervisors, as soon as practicable after the sale of said public highways, and annually thereafter, to proceed to lay such a rate of tax as will meet the sale and other expenses incident to the making and keeping in repair said public highways in each year, and in no case except such as is hereinafter provided for, shall any contractor or contractors receive more than one-third part of the amount of said sales in any one year.

SECTION 11. That it shall be lawful for any contractor or contractors who may remove out of the township, to yield up to the supervisors the unexpired portion of his or their contract or contracts, by giving due notice thereof in writing, at least twenty days before the next election for supervisors, and the unexpired term of such contract or contracts so yielded up, and any sections of new road that may have been opened, shall be sold at public sale for the unexpired portion of the triennial term, in the manner and form provided for in the second section of this act: *Provided*, That in case of death or removal out of the township, the supervisors shall pay to the representatives of such person so deceased, or such persons so removing, such portions of the money specified in their respective contracts as they shall believe them justly entitled to.

Unexpired portion of contracts.

SECTION 12. That the supervisors shall each keep a regular account of the kind of services performed by them, with the date thereof, and they shall be allowed such compensation therefor as the auditors of the

Accounts to be kept.

township may deem just and equitable, not exceeding one dollar for every day necessarily employed in discharging the duties of their office.

Penalty for neglect of duty.

SECTION 13. That any supervisor duly elected, neglecting or refusing to perform the duties herein assigned him, shall be subject to all the fines and penalties as now provided by law.

Repeal.

SECTION 14. That such parts of the existing road law of said township as are inconsistent with this act hereby repealed.

Construction of Darby and Upper Darby plank road co.

SECTION 15. That upon the sale of one hundred shares of the capital stock of the Darby and Upper Darby plank road company, in conformity to the act of which this is a supplement, the said company shall be authorized to construct said road from Darby to the Delaware county turnpike, with authority to erect a gate upon the same and take toll thereon.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-sixth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 160.

AN ACT

Incorporating the Allegheny male and female seminary:

Corporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be, and is hereby established in the village of Rainsburg, in the county of Bedford, a seminary for the education of youth in the learned languages, useful arts and sciences, and general literature, by the name, style, and title of "The Allegheny male and female seminary."

Management of institution.

SECTION 2 That the said institution shall be under the management, direction and government of a number of trustees, not exceeding nine, and until others shall be elected as hereinafter provided, the trustees of the said academy shall consist of the following persons, to wit: Samuel Williams, Jacob Barndollar, George Slicer, J. W. Crawford, A. C. James, W. S. Cunningham, George Bortz, Elias Gunik, and C. Graham, which said nine trustees and their successors, to be elected as hereinafter provided, shall forever be, and they are hereby created, established, and declared to be one body politic and corporate, with perpetual succession, in deed and in law, by the name, style and title of "Allegheny male and female seminary," and by the same name shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and shall be competent and capable in

Trustees.

Style.

law and equity to take and to hold, to them and to their successors, for Privileges. the use of the said seminary, any estate in lands, tenements, or hereditaments, goods, chattels, stocks, moneys, or other effects, of what kind, nature, or quality soever, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same : *Provided*, The same do not Proviso. exceed the yearly value of three thousand dollars; and the same from time to time to grant, bargain, sell, demise, alien, lease, place out at interest, or otherwise dispose of, for the use and benefit of said seminary, and to receive the rents, profits, income and interest thereof, and to apply the same to the proper use of the said seminary, and to erect such buildings as may be necessary, and generally to do all and singular, acts, deeds, matters and things which shall be lawful for them to do, for the well-being of the said seminary, and the due management thereof.

SECTION 3. That the said trustees shall cause to be made for their Seal. use one common seal, with such devises and inscriptions thereon as they shall think proper, and by and with which all deeds, certificates and acts of said corporation shall pass and be authenticated, and the same seal at their pleasure may break, alter and devise anew.

SECTION 4. That the first election of trustees shall take place on Election of trustees. the last Friday in June, one thousand eight hundred and fifty-three, at the school house in the village of Rainsburg, and on the same day annually thereafter, at such place as may be appointed by the board of trustees; the election shall commence at the hour of one o'clock in the afternoon, and shall continue until five o'clock, and shall be conducted by two managers, to be chosen by a majority of the stockholders present at the time of commencing said election, and the stockholders shall be allowed to vote in person and by proxy, and in the ratio of one vote for each share of stock held by him, her, or them, or standing in his, her, or their names in the books of the corporation; the votes shall be given by ballot, and each ticket shall be labelled on the outside "trustees of the Allegheny male and female seminary," and shall contain the names of eight persons, stockholders in said corporation, and those having the highest number of votes shall be the trustees of said seminary for the ensuing year, and shall continue in office until their successors are elected; if two or more persons should have an equal number of votes, the managers shall forthwith decide by lot which of said persons are elected : *Provided*, That the remaining trustee shall be the preacher for the time being in charge of Allegheny circuit of the Baltimore annual conference of the Methodist Episcopal church, who by virtue of his appointment thereto by the said conference, shall have the same rights and privileges that are given by this act to the other trustees.

SECTION 5. That the board of trustees, five of whom shall constitute a quorum, shall annually at their first meeting after the election, Officers. appoint a president and secretary of their own number, and elect a treasurer, who shall be a stockholder; and in case of the death, resignation, or refusal to serve of any trustee or other officer, the trustees in office shall have power to appoint others in their stead until the next election, and they shall also have power to enact such ordinances and by-laws as may be necessary for the well-being and government of said corporation, and to elect such professors or teachers as may be necessary : *Provided*, That no by-law or ordinance shall have Proviso. any force and effect which shall be repugnant to the Constitution and laws of the United States or of this State : *And provided further*,

That the said professors or teachers make an annual report of the condition of said seminary to the trustees thereof, and to the Baltimore annual conference of the Methodist Episcopal church.

Capital stock.

SECTION 6. That the capital stock of said corporation shall not exceed ten thousand dollars, divided into shares of twenty-five dollars each, certificates of which shall be issued to such person or persons who have heretofore subscribed or may hereafter subscribe and pay money for the purpose of building a seminary in said village, or to the heirs and legal representatives of such person or persons for every share which he, she, or they may have or shall subscribe for and hold in said corporation, which shall be transferable on the books of the corporation, either in person or by attorney, subject to the payment of any balance due thereon.

Duties of treasurer.

SECTION 7. That the treasurer shall receive and hold all moneys belonging to the corporation, and pay out the same to the order of the board, signed by the president and secretary, or a majority of the trustees, and he shall keep fair accounts thereof, which shall be audited and settled by the trustees in the same manner as the accounts of the treasurer of common school districts are now by law audited and settled, and subject in like manner to appeal, and before entering upon the duties of his office, shall give a bond with one or more sufficient sureties, to be approved by the board of trustees, in a sum equal to double the estimated amount of money to be received by him, conditioned for the faithful discharge of the duties of his office, and the payment of all moneys remaining in his hands at the end of the year to his successor in office; and the secretary and treasurer may receive such compensation as may be thought reasonable by the board of trustees, but no other officer shall receive any fee or reward whatever for his services, and it shall be the duty of the trustees to report annually, at the expiration of their term of office, the condition of the finances and other affairs of said corporation, which report, together with the books of the corporation, shall be open at all proper times to the examination and inspection of all persons interested, who are at such times stockholders in said corporation.

Misnomer.
Proviso.

SECTION 8. That no misnomer of said corporation shall defeat or annul any gift, grant, devise, or bequest to the said corporation: *Provided*, That the intent of the parties shall sufficiently appear in said gift, grant, will or other writing, whereby any estate or interest in any thing, real or personal, was intended to pass to said corporation.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 161.

A N A C T

To change the venue in a certain case from Dauphin to Union county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* a certain issue joined in the court of common pleas of Dauphin county, number one hundred and forty-eight, April term, one thousand eight hundred and fifty-two, in which James F. Linn, administrator of Jackson McFadden, is plaintiff, and the Keystone Mutual Life and Health Insurance company, of Harrisburg, is defendant, be, and the same is hereby removed to the court of common pleas of Union county for a trial, by a jury or juries of Union county aforesaid, and that the said court is hereby authorized to proceed to trial, verdict and judgment and execution as the said court in Dauphin county, in which the same is pending, could or might do; *Provided, That* final judgment of said issue shall be subject to writs of error, as in other cases, and in case of the removal of the same, and a venire facias de novo awarded, the same shall be again transferred as tried in Union county, in the same manner as hereinbefore provided for.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 162.

A N A C T

To incorporate the Loudon and Fannettsburg turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Hezekiah Easton, Abraham Burkholder, Jonathan Wright, William M'Grath, John L. Hossler, Jacob Kegerius, John W. Witherow, William Noble, Samuel Walker, Stephen O. Brown, Peter Stinger, John Beever and J. J. Kennedy, or any five of them, be, and they are hereby appointed commissioners, to open books, receive subscrip-

Style. tions to stock, and organize a company by the name, style and title of "The Loudon and Fannettsburg turnpike road company," with power to locate and construct a turnpike road from a point on the public road leading through the town of Fannettsburg in Franklin county, in or near said town, to a point on the Chambersburg and Bedford turnpike road, at or near the town of Loudon in said county, on the best and most eligible route from point to point, as may be determined by said commissioners, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto.

Location.

Subject to provisions of certain act.

Capital stock. SECTION 2. That the capital stock of said company shall consist of four hundred and eighty shares, at twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road, according to the true intent and meaning of this act.

Proviso.

Tolls. SECTION 3. That whenever the said company shall have completed said road, they shall have power to erect toll-gates and receive the same tolls per mile as are allowed by the twelfth and thirteenth sections of the aforesaid act, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

Commencement and completion of road. SECTION 4. That if the said company shall not commence the construction of said road within three years, and complete the same within six years from the passage of this act, then this act shall be null and void, except so far as may be necessary to settle up and pay the debts of said company.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 163.

AN ACT

To extend the limits of the borough of Norristown, in the county of Montgomery; regulating certain election districts; relative to elections in Dauphin county; and the election of police officers for the borough of Frankford, Philadelphia county.

Limits of the borough of Norristown extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the borough of Norristown, in the county of Montgomery, shall hereafter consist of all the territory included within the following boundaries, to wit: beginning at a point of low water mark of the river Schuylkill, in Norriton township, in a line of lands of the Montgomery

cemetery company, and the Schuylkill navigation company, thence along the said line north forty-one degrees forty-five minutes, east fourteen perches and thirty-four hundredths of a perch to a point; thence along the line of lands of said Montgomery cemetery company, and Henry G. Hart, north forty-one degrees eight minutes, east fifty perches and eighty-six hundredths to a corner in a line of lands of the said Montgomery cemetery company, and John R. Kookan; thence along the said line north forty-nine degrees thirty-two minutes, west twenty-seven perches and sixty-one hundredths to a point; thence along the same line of lands north forty degrees fifty-four minutes, east seventy-one perches and ninety-three hundredths to the Ridge turnpike; thence along the south-west side of the said Ridge turnpike north forty-nine degrees thirty-two minutes, west four perches to a point in the line of lands of David Krause; thence along the line of lands of said David Krause and the said Montgomery cemetery company, south forty degrees fifty-four minutes, west seventy-one perches and ninety-three hundredths; thence along the same line of lands north forty-nine degrees thirty-two minutes, west twenty-seven perches and six hundredths to a point in the line of lands of the said Montgomery cemetery company and the said David Krause, and also of lands late of Joseph Rittenhouse, deceased, in the middle of a public road; thence along the middle of the said public road and along the line of lands of the said David Krause and the Messrs. Hartman, north forty degrees forty minutes, east seventy-one perches and ninety-three hundredths to the Ridge turnpike, thence across the said Ridge turnpike and on a line dividing lands of Thomas P. Knox, Thomas Shepherd, deceased, Samuel Haws, William Rhoads and Jacob Moyer, on one side, and Philip Hahn, Thomas Shepherd, deceased, Henry Novioch, James Shannon, Samuel Shannon and Albannus C. Logan, on the other side, about the same course as last aforesaid, to a point in a line of David Getty's land, and also a corner of said Jacob Moyer's land; thence along the line dividing lands of said David Getty and Albannus C. Logan, on one side, and Jacob Moyer, Jacob Scheets and John Taney, on the other side, south about forty-nine degrees and a quarter, east to a point in the north-west side of Sweede street or State road; thence across the said road into the Plymouth road and along the middle of said Plymouth road a distance of three hundred and forty-seven perches to a point in the middle of the said Plymouth road, and in a line dividing the townships of Norriton and Plymouth; thence in a straight course to a point at low water mark in the river Schuylkill, which point is one hundred and twenty-eight perches east of the present borough line; thence up the several courses of the said river Schuylkill and along low water mark thereof, to the place of beginning.

SECTION 2. That from and after the passage of this act, so much of Borough divide the said borough as lies north-west of Sweede street and the State into wards. road, shall constitute the upper ward thereof, and so much of the said borough extending from the river Schuylkill to the north eastern boundary of said borough, as is included between Sweede street and DeKalb street, and between the State road and the DeKalb street road, shall constitute the middle ward, and so much of said borough as lies south east of DeKalb street and DeKalb street road, shall constitute the lower ward.

SECTION 3. That Philip Super, Charles F. Jenkins and John Commissioners Thompson, of the county of Montgomery, be, and they are hereby and their duties. appointed commissioners, and they, or any two of them, being duly sworn or affirmed to perform their duties with impartiality, shall have

full power and authority, and they are hereby enjoined and required, as soon as conveniently, may be, to employ a suitable and competent surveyor and cause a general survey to be made of all the territory of the said borough which has not been heretofore surveyed and laid out and approved as a part of the town plot thereof by the town council of said borough, and the said commissioners shall have authority to survey and lay out, and mark the lines of such streets, roads, lanes and alleys, as they shall deem necessary, within the said limits, for the convenience of the public and inhabitants thereof, and they shall make or cause to be made a correct plan or draft thereof, together with the connecting streets, with the names of the streets and all other explanations necessary to a perfect understanding of the same, and file the same in the court of quarter sessions of the peace of Montgomery county, for public inspection and examination, and the clerk of the said court shall give notice in at least two newspapers published in the said borough, that on a certain day, to be fixed by the court, the court will hear any objections that may be made thereto, by any citizen or holder of real property within the limits of such survey, who shall consider themselves aggrieved, and the said court shall at the time appointed, judge and determine whether any and what alteration shall be made therein, and shall direct the said draft or plan, with such alterations as shall be made, if any, to be recorded in the office for recording of deeds in the said county, and thenceforth all the said streets, roads, lanes and alleys so approved, shall be forever deemed, adjudged, and taken to be public highways, and the survey so returned and recorded shall be and remain unalterable; and inasmuch as the public convenience will be for the present answered by the certain knowledge where and in what manner such streets, roads, lanes and alleys will in future run, but as it may not be necessary immediately to lay all of them open, and in order to provide for the opening of the same from time to time, as the increasing improvement of the borough may require, it shall and may be lawful for any number of citizens of the said borough, not less than seven, whose lands lie near or adjoining to such streets, road, lane, or alley, to apply by petition to the court of quarter sessions of the county of Montgomery, who, after hearing the petitioners and such of the persons through whose lands such street, road, lane or alley may pass, as shall offer objections thereto, to determine whether it be proper at the time to direct the opening of the same, and if the court shall be of opinion that the state of improvement in the neighborhood is such as to require the opening thereof, they shall issue their warrant, directed to the street and road commissioners of the said borough, enjoining and requiring them to open such street, road, lane or alley, according to the plan or draft of the survey, and thereupon the town council of the said borough shall, if at the time they have not already done so, immediately fix the grade of such street, road, lane or alley, by which grade the street and road commissioners shall also be governed in opening the same, and the person or persons who shall sustain any damages by laying out and opening such street, road, lane or alley, shall be entitled to recover the same in the same manner as if such street, road, lane or alley had been originally laid out by order of the court of quarter sessions, under the general road laws of this Commonwealth.

Vacancies.

SECTION 4. That should either of said commissioners die or refuse to serve, the court of quarter sessions of the county of Montgomery shall, on the petition of one or more citizens of said borough, appoint a suitable person or persons to fill the vacancy occasioned by such death or refusal to serve, and the said commissioners shall each receive

one dollar and fifty cents per day for their services, and the said surveyor shall receive for all his services such compensation as the town council of said borough shall judge to be reasonable and just in the premises, all of which per diem allowance and expenses shall be paid by the said borough.

SECTION 5. That the council of said borough, when assembled together for that purpose, shall have full power and authority to make and ordain such laws and ordinances not inconsistent with the constitution and laws of this Commonwealth, as shall be necessary for lighting, watching, watering, pitching, paving, repairing and cleansing all the streets, roads, lanes and alleys contained in said plan or draft as recorded in the recorder's office of the said county, agreeably to the third section of this act, and also for removing nuisances therein, and the same to put in force and execute by the proper officers, under such penalties as they may prescribe. By-laws and ordinances.

SECTION 6. That the borough and general elections in the borough of Montrose, Susquehanna county, shall hereafter be held in the court house in said borough. Borough of Montrose, Susquehanna co.

SECTION 7. That hereafter the qualified voters of Huston township, Centre county, shall hold their spring and general elections at the carpenter shop of James McFadden, in said township. Huston tp., Centre co.

SECTION 8. That hereafter the qualified voters of the borough of Birmingham, in the county of Allegheny, shall hold their borough and general elections at the town hall, on Wilkins street in said borough. Birmingham, Allegheny co.

SECTION 9. That the fifth section of the act entitled "An Act relative to supervisors in Franklin county, and for other purposes, approved the ninth day of April, one thousand eight hundred and forty-nine, in relation to voting the slip ticket at the general elections in Mifflin and other counties, be, and the same is hereby repealed so far as relates to Dauphin county. Repeal.

SECTION 10. That from and after the passage of this act, the town council of the borough of Frankford shall be authorized to elect one or more police officers for said borough, and define the duties and fix the compensation of the same, and that so much of the act of the tenth day of March, Anno Domini, one thousand eight hundred and forty-eight, as relates to the election of high constable by the inhabitants of the borough of Frankford, be, and the same is hereby repealed. Borough of Frankford, Philadelphia co.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 164.

A FURTHER SUPPLEMENT

To an act entitled "An Act to incorporate the Pennsylvania company for insurances on lives and granting annuities," passed the tenth day of March, one thousand eight hundred and twelve.

Preamble.

WHEREAS, By a supplement to the act entitled "An Act to incorporate the Pennsylvania company for insurances on lives and granting annuities," passed the twenty-ninth day of February, one thousand eight hundred and thirty-six, it was enacted and declared that the said company should be authorized and empowered to accept and execute trusts of any and every description, which may be committed or transferred with their consent to them, by any person or persons whatever, bodies corporate or politic, or by any court of the United States, or of the Commonwealth of Pennsylvania :

Preamble.

And Whereas, A doubt has arisen whether by the terms of the act aforesaid, they, the said company, have authority to act as executors and administrators ; therefore,

Pennsylvania
company for in-
surance on lives,
extension of
powers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Pennsylvania company for insurance on lives and granting annuities be, and they hereby are authorized to accept and execute the office and appointment of executors or administrators of any kind and nature whatever, whether such office or appointment is conferred, or made by any person or persons, or by any register of wills, or by any orphan's or other courts, either of the United States or of this Commonwealth.

Capital stock to
be considered as
security.

SECTION 2. That the whole capital stock of the said company shall be taken and considered as the security required by law for the faithful performance of their duties as such executors or administrators, and shall be absolutely liable in case of any default whatever.

Repeal.

SECTION 3. That so much of any law as is altered and supplied by this act be, and the same is hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 165.

AN ACT

To incorporate the Hickory Run plank road company; and to extend the Morrison Cove turnpike road in Blair county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners Isaac Gould, William Leonard, Lewis A. Buckley, Josiah A. Cole and Samuel Saylor, a majority of whom shall have power to exercise all the powers hereby conferred, be, and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The Hickory Run plank road Style. company," with power to construct a plank road from the mouth of Hickory run, in the township of Kidder, in the county of Carbon, up the valley of the said creek, to the State road leading from White Haven to John Merwine's, at or near Day and Saylor's mill, subject Subject to provisions of certain act. the provisions and restrictions of an act entitled "An Act regulating turnpike and plank road companies," approved the twenty-ninth day of January, eighteen hundred and forty-nine, and the supplements thereto, so far as the same are not inconsistent with the following sections.

SECTION 2. That the capital stock of the said company shall consist Capital stock. of sixty shares, at fifty dollars per share: *Provided*, That the said Proviso. company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete said road according to the true intent and meaning of this act.

SECTION 3. That if the said company shall not commence the construction of the said road within two years, and complete the same Commencement within four years, this act shall be null and void, except so far as may of road. be necessary to settle the affairs of the said company.

SECTION 4. That the said company shall have power to fix and regulate the rate of tolls to be received upon said road: *Provided*, That Tolls. Proviso. the income to the stockholders upon the net proceeds, shall at no time exceed ten per cent. per annum upon the amount invested.

SECTION 5. That the Morrison Cove turnpike road company, in Blair Morrison Cove county, be, and they are hereby authorized to continue and extend their turnpike road from the borough of Martinsburgh eastward to a point company to extend their road. at or near the crossing of Clover creek, with like privileges, and subject to the terms and requirements of the charter of the said company, and that the capital stock of the said company shall be increased two thousand dollars.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 166.

A SUPPLEMENT

To an act incorporating the Tarentum and Saxonsburgh plank road company.

Time for the commencement and completion of Tarentum and Saxonsburgh plank road extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the term limited in the third section of the act entitled "An Act to incorporate the Tarentum and Saxonsburgh plank road company; and to repeal and authorize the laying out of a State road through Butler county," approved the eighteenth day of March, one thousand eight hundred and fifty-one, for the commencement and completion of said road, be extended for the further term of six years from the passage of this act.

Authority to borrow money.

SECTION 2. That it shall be lawful for the president and managers of said company to borrow any money not exceeding ten thousand dollars, that may be necessary for the construction and completion of said road, and to issue the bonds of said company therefor, in such manner and terms as said president and managers may deem proper: *Provided always,* That the president and managers shall be duly authorized by the majority of stockholders of said company to make such loan, and that no bond shall be issued on account of said loan, of a less denomination than one hundred dollars.

Proviso.

Tolls.

SECTION 3. That upon the opening, bridging, and proper grading of said road, so as to make it a good common clay-pike in good traveling order, it shall be lawful for the said company to exact and receive tolls the same as though the said road was constructed and completed, agreeable to the act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine: *Provided,* That the said road is planked and completed within the time specified by this act.

Proviso.

Vacation of parts of certain road.

SECTION 4. That that part of the old State road running along the valley of Bull creek, from Tarentum to Millerstown, together with that part of the new county road on the eastern side of said creek, from where it crosses said creek at or near the lands of Benjamin Coe, to Miller's saw-mill, or near thereto, shall be vacated and annulled upon the opening, bridging, and proper grading of the Tarentum and Saxonsburgh plank road, agreeable to the third section of this act: *Provided,* The closing of said roads shall not interfere or prevent the getting in, to or from any lands or buildings adjacent to said roads.

Proviso.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 167.

AN ACT

Authorizing the Canal Commissioners to examine the claim of Alexander McConnell, for damages sustained on the western division of the Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Canal Commissioners are authorized to examine the claim of Alexander McConnell, for damages done to a lot of ground lying in Westmoreland county, by the western division of the Pennsylvania canal, and report the same to the Legislature as soon as practicable: *Provided, The amount allowed shall not exceed two hundred dollars.*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 168.

A SUPPLEMENT

To an act entitled “An Act authorizing the Governor to incorporate a company to erect a bridge over the Juniata river at or near Grouny’s ripples, to be styled ‘The Union Bridge company,’” et cetera, passed the twenty-second day of March, one thousand eight hundred and fifty; relative to the estate of Jacob Wagenseller; authorizing the heirs of Darius Mead to appeal from a certain decree; and vacating Schuylkill Third street, between Girard and College avenue, in Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Provisions of the provisions of the act entitled “An Act to incorporate the Union Bridge company,” approved the twenty-second day of March, one thousand eight hundred and fifty, relative to the erection of a bridge over the Juniata river at or near Grouny’s ripples, be and the same is hereby revived and continued in force, as fully, to all intents and purposes, as if an election of officers had been held by the stockholders on the day set forth in the act incorporating the said company.

Officers of election continued. SECTION 2. That the officers elected at the last election held on the first Monday of November, one thousand eight hundred and fifty-one, be continued until the first Monday in April, one thousand eight hundred and fifty-three, on which day thereafter the annual election of officers shall take place.

Reduction of original stock. SECTION 3. That the original stock of twenty dollars per share, be reduced to one-third of its original amount, that is—six dollars and sixty-six and two-third cents, and that the president and managers of said company be authorized to issue new stock to an amount sufficient to re-build the bridge: *Provided*, That the present stockholders, or any of them who shall hereafter subscribe stock in the same bridge company, shall have a right, if they desire to do so, by paying their subsequent stock by the original, at its reduced value, as far as it shall go in payment of such stock.

Proviso. SECTION 4. That no person shall have more than eight votes at any election, or in determining any question arising at any meeting, whatsoever number of shares of stock he may be entitled to, and that every person should be entitled to one vote for every share under three shares, and one vote for every two shares under eight shares, and one vote for every five shares over eight shares, until they shall have eight votes, and no more: *Provided*, That none of the original stockholders shall have more than one vote at the first election.

Number of votes. SECTION 5. That all provisions in the act of Assembly relating to the said Union Bridge company inconsistent with this act are hereby repealed.

Proviso. WHEREAS, Dr. Jacob Wagenseller, of Union county, in his lifetime and at the time of his death, was the owner of an undivided interest in coal lands in Schuylkill county, to the amount of three hundred acres, more or less, and by his last will and testament desired that his executors, by the advice and with the consent of the guardians of his minor children, should have and exercise a discretionary power and authority over the said coal lands so long as the same shall remain unsold, and until his youngest child shall have arrived at the age of twenty-one years, and also directed that the said executors shall have power to improve, open mines, and otherwise so manage the said coal lands as they and the said guardians may in their judgment deem most for the benefit of his estate:

Repeal. *And Whereas*, It is believed by the executors of said testator and the guardians of his minor children, that it would be greatly for the benefit of those interested in the estate, if power was given the executors, by and with the consent of the guardians of the minor children, to lease or sell the said lands to some incorporated company, to work, improve and develop the coal; therefore,

Preamble. SECTION 6. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William F. Wagenseller and Alexander Jordan, executors of said deceased, or the survivor of them, or the one who may be the acting executor at the time, by and with the advice and consent of the guardians of the minor children of said testator for this purpose first had and obtained in writing, are hereby authorized and empowered to lease and demise to such incorporated company in the county of Schuylkill as they may deem most advantageous, the interest in the said coal lands held by the said testator at the time of his death, for such period, upon such terms, and on such conditions as they may judge most beneficial: *Provided*, The said lease do not extend beyond the period

Estate of Dr. Jacob Wagenseller.

Proviso.

when the youngest child of said testator shall have arrived at the age of twenty-one years.

SECTION 7. That William F. Wagenseller and Alexander Jordan, Executors to
executors as aforesaid, or the survivor of them, or the one who may
be the acting executor of the said Jacob Wagenseller deceased, at the
time, by and with the advice and consent of the guardians of the
minor children of said testator for this purpose first had and obtained
in writing, are hereby authorized and empowered to sell and dis-
pose of the said interest of the said testator in said coal lands,
to such incorporated company in the said county of Schuylkill as they
may elect, for such price, and upon such terms, and upon such security
as they may judge most beneficial, which security is to be approved
of by the orphans court of Schuylkill county, and to convey the same
to such incorporated company by deed, to be by them duly executed:
Provided, That the same shall not be so sold as aforesaid, for a less Proviso.
sum than that designated by the said testator in his last will and testa-
ment.

SECTION 8. That so much of the act of Assembly entitled "A Repeal.
further supplement to the act entitled 'An Act to incorporate the dis-
trict of Southwark,'" passed April nineteenth, one thousand eight hun-
dred and forty-three, as authorizes the laying out of Schuylkill Third
street, between Girard and College avenues, be and the same is hereby
repealed, and that portion of the said street is hereby declared
vacated.

SECTION 9. That it shall be lawful for the heirs or legal represen- Heirs of Darius
tatives of Darius Mead, deceased, late of Warren county, to appeal Mead to have
to the supreme court, in the manner now provided by law, from the the right of
decree of the orphan's court of said county made on the fifth day of appeal.
September, in the year of our Lord one thousand eight hundred and
forty-five, in the matter of a petition of Amory Moore, praying a de-
cree for the specific performance of a certain parol contract
alleged to have been made between the said Amory Moore and the
said Darius Mead in his lifetime, for the purchase and sale of certain
land in the borough of Warren, in said county: *Provided*, Said ap-
peal shall be entered within one year after the passage of this act.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight
hundred and fifty-three.

WM. BIGLER.

No. 169.

AN ACT

To incorporate the Northumberland cemetery company.

Corporators. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph R. Priestly, John Taggart, Daniel Brautigam, Amos E. Kapp, William H. Waples, William Forsyth, James Taggart and Jesse C. Horton, be, and they and their successors are hereby created a body politic in law, under the name and title of "Northumberland cemetery company," and by that name shall have perpetual succession, and be able and capable in law to have and use a common seal, to sue and be sued, implead and be impleaded in all courts of equity, and do all such other things as are incident to a corporation within this Commonwealth, and elsewhere, and also be able to take and hold, to them and their successors, either by gift, grant, devise or lease, any real estate for the use of the said company, and by gift, grant, bargain and sale, will or bequest, any goods and chattels, sum or sums of money, from any person or persons whatsoever, for the use of the said company, to make by-laws, rules and regulations, not inconsistent with the Constitution of the United States, or of this Commonwealth.

Style.

Privileges.

Government of company. SECTION 2. That the government of the said company, and the management and disposition of its affairs and property, shall be vested in a board of directors or managers, to consist of seven persons, who shall be elected annually by the lot-holders, at such time, and in such manner as the said company shall by its by-laws provide; at the first meeting of the managers after their election in each year, they shall elect from their own number a president, a vice president, and secretary, and treasurer, and may also elect such other officers as the business of the company may require, who shall make a report of their proceedings and a statement of their finances, at the annual meeting of their managers.

Authority to purchase lands. SECTION 3. That the president and managers shall have power to contract for and purchase from the owner or owners thereof, of land not exceeding twenty-five acres, in the borough of Northumberland, and lay out and ornament, from time to time, so much as in the opinion of the managers or a majority of them, may think proper, and to divide and arrange into suitable plots and burial lots, remove and alter old, and erect new buildings, and to do all other things proper or necessary to be done, to adapt the said ground so laid out for the purpose of a cemetery, and to sell and dispose of such plots and burial lots in fee simple or otherwise, for the purpose of sepulture, to individuals, societies, or congregations, without distinction or regard to sect, under such conditions, rules and regulations as the said managers may establish for the government of lot-holders, visitors to the cemetery, and burial of the dead: *Provided*, That the lots granted by the said society for burial lots, shall not be used for any other purpose, and they shall be free from taxation, and also shall be free from seizure, levy or sale, under or by virtue of any execution against any grantee or grantees of said society for such purpose.

SECTION 4. That the managers after their election in each and every year, shall have power to appoint all workmen which may be needful from time to time, and fix their wages or compensation, and the same to discharge at pleasure, to take from the treasurer security by bond, approved of by the managers, for the faithful performance of his trust, and to discharge him from his office upon occasion therefor, and that the managers shall keep fair minutes of all their acts and doings.

SECTION 5. That the company shall be capable of holding so much personal property as may be necessary for the purpose of this incorporation, and it shall be the duty of the managers, out of the proceeds of sale of burial lots, (after the original purchase is paid,) to create a fund to be vested in mortgage, the income whereof shall be of adequate amount, and applied as may be necessary for the improvement and perpetual maintenance of the cemetery in proper order and security, and that the managers of said society shall have power to sell or dispose of any surplus of land there may be after a sufficiency is laid out in lots aforesaid, to any person or persons, in fee simple, for whatever purpose he or they may think proper to put it to.

SECTION 6. That no street, lane or road, shall ever be laid out through the land so occupied as a cemetery, except under the authority of the corporation.

SECTION 7. That whenever any vacancy shall happen or occur in said board of managers, by death, resignation or removal, or otherwise, the remaining managers shall have full power to supply the same from among the lot-holders, at their next meeting after such vacancy.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 170.

AN ACT

Relating to certain real estate in the city of Philadelphia.

WHEREAS, Jonathan Penrose, high sheriff of the city and county of Philadelphia, by deed poll, dated the twenty-seventh day of May, Anno Domini, one thousand seven hundred and ninety-nine, acknowledged and entered among the records of the supreme court, in sheriff's deed book B, page ninety-four, did grant and convey unto Charles Heatly, James Gibson and Archibald M'Call, and the survivors and survivor of them, and the heirs and assigns of the survivor, a certain lot or piece of ground situate at the north-west corner of Delaware Sixth street and Chestnut street, in the said city of Philadelphia, as therein particularly described:

Preamble.

And Whereas, The said Charles Heatly, James Gibson and Archibald M'Call, by declaration endorsed on said deed poll, did declare that they held the said premises in trust for themselves and certain other persons, composing a certain association, agreeably to such articles of agreement or association, as they or their legal representatives or assigns should from time to time make and enter into, which declaration so endorsed was recorded at Philadelphia aforesaid, in deed book E F, number one, page two hundred and one:

Preamble.

And Whereas, Certain articles of agreement were entered into by the members of the said association, that were recorded in deed book E F, number thirty-one, page two hundred and five:

Preamble.

And Whereas, The said James Gibson and Archibald M'Call, the survivors of the said trustees, and Andrew Bayard and others, by indenture, dated the thirty-first day of July, Anno Domini, one thousand eight hundred and twenty-two, recorded in deed book I H, number one, page five hundred and forty-two, granted and conveyed unto Joseph R. Ingersoll and Hartman Kuhn, their heirs and assigns, a certain lot or piece of ground, part of the said large lot situate on the north side of Chestnut street, at the distance of twenty-three feet nine inches westward from the corner of the said Sixth street, in the said city of Philadelphia, bounded and being as therein described; and also a lot of ground, being an area or passage, containing in breadth on the said Sixth street, fourteen feet, and in length or depth twenty-three feet nine inches, to the above mentioned lot, in trust for the stockholders of the new theatre then lately associated, their legal representatives and assigns, agreeably to such rules and regulations as they had then made or should thereafter make and enter into:

Preamble.

And Whereas, The said stockholders of the said association at several meetings duly convened, according to the said articles of association, did authorize the agents thereof duly elected, according to the said articles, to offer the said lots of ground last above mentioned, with the buildings thereon erected, for sale, and thereupon to dissolve the said association, and in pursuance of the said authority the said agents have made a sale thereof for the price or sum of eighty-five thousand dollars, that being the highest and best price offered for the same, which sale has been confirmed by a large majority of the stockholders, duly convened:

Preamble.

And Whereas, Doubts have arisen whether the said Joseph R. Ingersoll and Hartman Kuhn, and the present agents and stockholders, have under the said deeds, conveyances and articles of association, power and authority to make and convey to the said purchaser a full, absolute and perfect title to the said premises, freed and discharged from all trusts and equities arising under the said deeds, conveyances and articles of association, although such was the object, purpose and intention of the contract of sale:

Preamble.

And Whereas, It is the interest of all parties that these doubts should be removed, and that the purchaser of the premises last aforesaid, should acquire and possess an absolute and indefeasible title to the same, without prejudice to the interests of any persons, and it is believed that this object will best be attained by an act of Assembly, under authority of which the purchase money of the premises may be substituted for the same, and be made subject to all rights, claims and liabilities to which the said premises are subject; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That on petition to the court of common pleas for the city and county of Philadel-*

phia, by the board of agents of the said theatre, or by the purchaser at the sale last above recited, or by his legal representatives, setting forth the facts above recited, it shall be lawful for the said court to make an order in the premises, that the amount of the purchase money aforesaid shall be paid into court, or secured by the bond and mortgage of the said purchaser, or otherwise, as the said court may direct, so that the same shall be deemed equal to a payment of the money into court, and thereupon, the said court shall make an order confirming the said sale, and directing the said Joseph R. Ingersoll and Hartman Kuhn, trustees aforesaid, or the survivor of them, and any and every other trustee or trustees for the time being, and every other person or persons having any legal estate in the premises, or their duly constituted attorney or attorneys, and also the board of agents for the time being of the said theatre, to execute and deliver to the purchaser aforesaid, his heirs and assigns, such deed or deeds, conveyance or conveyances, as may be necessary or required to vest the premises, and all legal and equitable estates therein of the said board of agents, trustees, and of all the stockholders of the said theatre, in the said purchaser, his heirs and assigns, freed from all trusts and equities of every kind or description whatever, without any obligation on the part of the said purchaser, his heirs or assigns, to see to or be responsible for the application of the purchase money aforesaid.

Authority of
court to make
order.

SECTION 2. That the said court shall have full power, authority and jurisdiction to order, direct and decree the division and distribution of the said purchase money so paid in or secured, subject to the costs and expenses of the said proceedings, among the stockholders of the said theatre, and other persons, if any such there be lawfully entitled to any part thereof, and to give such notices and make such orders, references and interlocutory or final decrees, as may be in their judgment necessary and proper to effectuate that object, according to the course of the said court sitting in equity, and as to equity and justice may appertain, such division and distribution to be made by the board of agents of the said theatre under the directions of the said court.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 171.

A N A C T

Incorporating the Girard Fire and Marine Insurance company of Philadelphia; authorizing the town council of the borough of New Brighton, Beaver county, to vacate certain streets; to hawkers and pedlars in the counties of York and Montgomery; to the collection of school taxes in the county of Potter; to a State road in Franklin county; providing for the survey of the township of Kingessing, Philadelphia county; and dividing the township of Providence, Luzerne county, into two election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Corporators.

Thomas Craven, N. S. Lawrence, George W. Hare, Thomas Wriggins, B. B. Comegys, Joseph P. Bailey, F. D. Shuman, J. P. Steiner, Benjamin Bullock, P. Shurlow, A. Heron, junior, H. A. Shackelford, W. P. Hacker, E. W. Davis, J. R. Flanigen, Albert G. Waterman, Thomas H. Craig, John Rice, Benjamin R. Miller, and all other persons who may hereafter associate with them, in the manner hereinafter prescribed, shall be and are hereby constituted a body corporate and politic, by the name of "The Girard Fire and Marine Insurance company," which shall have perpetual succession, with power and authority to make contracts of insurance with any person or persons, or any body politic or corporate, against loss or damage of property by fire or any cause of risk, to make all kinds of insurance against loss or damage of goods, merchandise or other kinds of property, in the course of transportation by land or water, or otherwise, and in any vessel, or boat, or other water craft, and to make insurance upon such goods, wares and merchandise, and to cause themselves to be insured against any loss, damage or risk, in course of their business, for such term or terms of time, and for such premium or consideration, and with such modifications and restrictions, as may be agreed upon between the said corporation and the persons agreeing with them for insurance.

Style.

Privileges.

Powers of corporation.

SECTION 2. That the corporation hereby created shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded in all courts and places, and in all matters whatsoever, with full power to hold, possess, use, occupy and enjoy all such real estate as shall be necessary for the transaction of its business, or which may be conveyed to said company as security, or in payment for any debts that may be due or owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of a court of equity in their favor, and the same real estate sell, convey and dispose of, and may have a common seal and use at pleasure, and also may make, order and establish and put in execution such by-laws, ordinances, rules and regulations as shall be necessary for the government of said company, and for the prudent management of its affairs, and to receive all proposals or applications for insurance in writing, as a warranty on the part of those insuring, and to base policies of insurance thereon, and to incorporate the same as a part of the contract between the company and the insured, and for the purpose of defining the rights of each contracting party.

SECTION 3. That it shall be lawful for the said corporation to act Further powers. under power of attorney, as agents for any other insurance companies, and to re-insure and insure therein such property as the said corporation take risks upon, and to transact any other business with said companies not contrary to the true intent and meaning of this act; that it shall be lawful for said company to invest any part of their capital stock, funds, money or other property, or any public stocks or funded debt created, or which may hereafter be created, by or under any law of this or any other state or the United States, and the same to sell, transfer or exchange at pleasure, and again re-invest any part thereof in such stocks, or funds, or otherwise, whenever, and as often as said company may deem it expedient, or they may loan the same to individuals or corporations, on real and personal property and security, or deposit the same with any saving or banking institution, with or without interest, for such time, on such terms and restrictions, as the directors or financial committee shall deem proper, and the financial concerns of said company shall be managed by the directors thereof.

SECTION 4. That the capital stock of the said company shall not be Capital stock. less than one hundred thousand dollars, nor exceeding three hundred thousand dollars, to be divided into shares of one hundred dollars, and to be paid by individuals, companies and corporations, in the manner hereinafter provided for.

SECTION 5. That the business of said company shall be conducted Business of com- in the city of Philadelphia, and a majority of the directors shall be pany to be con- residents of the city and county of Philadelphia, and the president ducted in Phila- and secretary shall also be residents of said county. delphia.

SECTION 6. That the affairs of said corporation shall be managed by Management of a board of directors, consisting of not less than nine nor more than affairs. seventeen, as hereinafter provided, and all vacancies occurring in said board, or in either of the offices of said company, may be filled by the remaining directors for the remainder of the year for which they were elected, and the majority of the whole shall constitute a quorum for the transaction of business.

SECTION 7. That all persons who shall hereafter insure with the Who may be said corporation, their heirs, assigns, executors and administrators, may members. become members thereof during the period they remain insured by said corporation; *Provided*, That they deposit their note or obligation Proviso. for double the amount of any cash premium paid said corporation for insurance made by said corporation, and no longer; these notes shall be given for the better security of policy holders, and paid according to the provisions hereinafter made, and constitute the mutual capital of said company, which may be subject to increase or diminish, according to the premiums received for policies issued in this department.

SECTION 8. That all persons who shall deposit their obligation or Number of note with this corporation, according to the requirements in section votes. seven of this act, shall be entitled to one vote for every hundred dollars insured therein at the time of holding elections for the choice of directors and officers of this company, and every person or corporation who may become a subscriber for the capital stock of this corporation, and pay in upon said subscription, according to the provisions hereafter named, shall be entitled to one vote for the choice of directors and officers of this corporation, and no more, until after the whole amount of their subscriptions to the capital stock has been paid in, then they shall be entitled to one vote for each share so subscribed and paid, and nothing shall be so construed in this act as to prevent

the payment of the whole subscription at the time of subscribing, or at any subsequent time.

Meeting of
subscribers.

SECTION 9. That as soon as one hundred thousand dollars shall have been subscribed to be insured, or one hundred thousand dollars subscribed to the capital stock of this company, a majority of the commissioners shall, by an advertisement published in at least three papers in the city of Philadelphia, notify and call a meeting of the subscribers or their representatives, at some place by them designated, said advertisement to be inserted at least six days preceeding said meeting, who shall then proceed to choose a president, secretary and directors, and such other officers as shall be deemed expedient, for the term of one year and until another election; said election shall be made by ballot, and by a plurality of the votes of the subscribers or their representatives, authorized by power of attorney, which shall at no time bear date more than thirty days immediately preceeding such election, allowing each member one vote for every hundred dollars insured, according to section ninth of this act, but not otherwise, and every person who is a subscriber to the capital stock of the said corporation shall be entitled to one vote at the first election or any subsequent election: *Provided*, He shall pay into the hands of a receiver appointed by the commissioners of said company, ten per cent. of his subscription before the organization of the board of directors shall have taken place, and continue to pay his instalments upon said subscription of stock, according to the rules and regulations adopted by the board of directors, but not otherwise, and if any person fail to pay any instalment or instalments when called by a vote of the company, he, she or they shall forfeit to said company all their shares or interest therein, unless a failure to pay be in consequence of the death of the party subscribing or holding said stock, and that no person shall be eligible to the office of president or secretary, unless at the time of his election he shall be the legal proprietor of at least ten shares of the capital stock of this corporation, and shall have paid his subscription, according to the foregoing sections of this act.

Proviso.

Annual meeting
of stockholders.

SECTION 10. That after the organization of this corporation, it shall be the duty of the secretary to call an annual meeting of the members and stockholders, on the first Tuesday of each year after the year one thousand eight hundred and fifty-three, for the election of president, secretary and directors, and such other officers as may be deemed necessary, and the secretary shall give ten days notice in one or more papers published in the city of Philadelphia, setting forth the object of said meeting, but if it shall happen that an election of president, secretary, or directors, does not take place on the day which pursuant to this act it ought to have taken place, this corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold and make an election of directors and officers, in such manner as shall have been adopted by the by-laws and ordinances of said corporation, and in accordance with this act.

Duties of secretary.

SECTION 11. That within thirty days after the annual meeting, it shall be the duty of the secretary of this corporation to publish in one or more papers in the city of Philadelphia, a report, stating the amount of premiums received, the amount of losses and expenses paid during the year, the amount at risk in all departments of the business, and a general balance sheet of the affairs of the said company.

Division of
classes.

SECTION 12. That the property insured by said corporation against fire may be divided into two classes, and be insured in two distinct departments, one of which shall be called the mutual department, the other the stock department; and all persons insuring may designate

in their applications in which of said departments they wish to insure, and receive a policy therein, and whether insured in the stock or mutual department, they shall not be liable beyond all obligations given in payment for premiums or for stock subscribed, according to this act.

SECTION 13. That the funds received in each department shall be Liability of liable only for losses occurring therein, and no member of the stock funds. department shall be in any way liable to pay losses occurring in the mutual department, and no member of the mutual department made liable to pay losses occurring in the stock department of said corporation, and the policy issued in each shall particularly designate in which department they are insured.

SECTION 14. That every member of said company insured in the Who shall pay stock or mutual department, shall be bound to pay for losses and ex- for losses, &c. penses occurring in and to said company in proportion to the amount of stock he holds or the amount of deposit note given, and suits at law may be maintained by said corporation against any member or members, for the collection of all obligations given, or for any other cause relating to the business of said company, and any member or members may maintain suits at law against said corporation for losses or damage under their policies, if payment is withheld more than four months after due notice and proof of loss has been made, according to the by-laws of said company, and no member of the corporation not being in his individual capacity a party to such suit, shall be deemed incompetent as a witness in any such cause on account of his being a member of said company.

SECTION 15. That all members of this corporation complying with Proportion of its by-laws shall be entitled to their equitable proportion of all divi- dividends. dends declared by said company in either department in which they may have become associated, but no dividend shall be paid to any member of the mutual department, unless they have complied with the provisions contained in section seventh and fourteenth of this act, for the better security of themselves and the public, and all notes so given shall be made liable for any assessment made in consequence of losses occurring in the mutual department, and no other.

SECTION 16. That should it ever occur that the stock of said com- Assets. pany should be found insufficient to pay all losses occurring by fire or marine disasters, then and in such case, the assets of said company, whether consisting of money, stocks or other property, shall be equitably divided and paid to claimants in proportion to their several amounts insured in this company.

SECTION 17. That all policies or contracts of insurance which may Policies of in- be made or entered into by said corporation, shall be subscribed by the surance. president and secretary, or such other officers as shall be designated for that purpose by its by-laws, and being so signed, shall be binding and obligatory on said corporation without the seal thereof, according to the true intent and meaning of such policy or contract.

SECTION 18. That the stock of said company shall be assignable Stock assign- and transferable on the books of the same or otherwise, according to able. such rules and regulations, and subject to such restrictions and limitations, as the stockholders at a general meeting may from time to time adopt and establish.

SECTION 19. That the secretary shall keep a record of proceedings Record of pro- at all meetings of the directors pertaining to the business of said com- ceedings. pany.

SECTION 20. That any officer, director or agent of the said company, Penalty for em- who shall knowingly and wilfully defraud the said company by em- bezzlement.

bezzelling any of its funds in his hands, or entrusted to his care, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a fine, not exceeding twice the sum embezzled; in the default of the payment thereof shall be imprisoned, not exceeding the term of six months, in the county jail, or at the discretion of the court having jurisdiction of the offence.

Town council of New Brighton authorized to vacate certain street. SECTION 21. That the town council of the borough of New Brighton, county of Beaver, are hereby authorized to vacate, by an ordinance duly enacted, the following portion of a certain street in said borough, commencing at a point forty feet southwardly of the north-eastern corner of Pearl and Third streets; thence running southwardly in the direction of the western side of Third street twenty feet, to the line of land of John Pugh; thence west along the same to a point which will be forty feet southwardly of the north side of Pearl street, as aforesaid; thence eastwardly to the place of beginning, on such terms and conditions as may be agreed by and between said John Pugh and said town council.

Provisions of certain act extended to York and Montgomery co. SECTION 22. That the provisions of the act entitled "An Act supplementary to the act relating to hawkers and pedlars, and regulating auctions in the county of Schuylkill," approved the seventeenth day of April, A. D., one thousand eight hundred and forty-six, be and the same are hereby extended to the counties of York and Montgomery.

School taxes in Potter co. SECTION 23. That the collectors of tax in the county of Potter, shall have all the powers to enforce the collection of school taxes that are now exercised by the collectors of county rates and levies, and all laws inconsistent herewith, be and the same are hereby repealed as far as relates to the county of Potter.

Commissioners. SECTION 24. That John Monn, Junior, Henry George, David Wertz, of the county of Franklin, be and they are hereby appointed commissioners to view and lay out and mark a State road, beginning at Waynesboro', thence by the nearest and best route through Quincy and Funkstown to Fayetteville.

Commissioners to view ground and other duties. SECTION 25. That it shall be the duty of the said commissioners, or a majority of them, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road laid out by them may pass, and lay out the same as near to a straight line between the aforesaid points, as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at crossing ravines and streams, where by moderate filling and bridging, the declination of the road may be preserved within that limit: *And further*, It shall be the duty of said commissioners to have due regard to the crossing of waters, the nature of the ground, and damages to private property, and other circumstances that may affect the route, so that by a judicious combination of them, the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each day for every day they shall be necessarily employed in performing the duties enjoined by this act, and in case any of said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition; and said commissioners are hereby authorized to

employ one surveyor, at two dollars per day, two chain-bearers and one axeman, at seventy-five cents per day.

SECTION 26. That it shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the court of quarter sessions of the county of Franklin, through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of courts aforesaid, and damages sustained by the owners of private property shall be assessed and paid in the same way and manner.

SECTION 27. That the accounts of the said commissioners for their own pay, and for the pay of surveyors, chain-bearers and axemen, shall be adjusted by the commissioners of the said county through which the road may pass, and paid by the treasurer thereof, on warrants drawn in the usual way, in proportion to the length of the road in such county respectively.

SECTION 28. That said commissioners shall meet on or before the first Monday of June next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or any other cause, the court of quarter sessions of the said county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

SECTION 29. That Charles W. Lloyd, Peter B. Holstein, Andrew M. Eastwick, Thomas W. Sharp, Morris S. Wickersham, Isaac Leech, junior, George G. Thomas, Justice Cox and James M. Urian, are hereby appointed commissioners, who, or a majority of them, are authorized and required to appoint one or more surveyors, who are enjoined and required, as soon as conveniently may be, to survey and mark the lines of all the streets, roads, lanes, courts and alleys now opened or intended to be opened for public use within the township of Kingsessing, in Philadelphia county, which have not been surveyed and returned as aforesaid; and also to survey and lay out such other new streets, lanes, courts and alleys, and common sewers, within the said township, as he, she or they shall deem necessary for a regular and convenient town plan, and for the more equal distribution and ready discharge of the waters thereof; and to regulate the heights of the streets and gutters, and the breadth of the footways thereof, and for that purpose the said surveyor or surveyors shall have full power and authority, with or without his or their assistant or assistants, to enter upon the lands of any person or persons within the said township, and when the said survey and regulation shall be completed, the said surveyor or surveyors shall make or cause to be made two draughts or plans thereof, with every explanation necessary for a full understanding of the same, and one of the said draughts or plans shall be returned to the said commissioners, who shall keep the same in such place as they shall fix upon, and the other of the said draughts or plans shall be returned to the clerk of the court of the quarter sessions of the county of Philadelphia, to be filed in his office for public inspection and examination, and it shall be the duty of the said commissioners to give at least thirty days previous

notice, in at least two of the public newspapers published in the city of Philadelphia, and by hand-bills posted up in at least ten of the most public places in the said township, that on a certain day to be appointed by the court, the said court will hear any objections that may be made thereto by any freeholder of the said township, and when the said draughts or plans are deposited for inspection, and the said court shall at the time appointed, adjudge and determine whether any and what alterations shall be made therein, and thenceforth all the streets, roads, lanes, courts and alleys, shall be forever deemed, adjudged and taken to be public highways, and the survey and regulations so returned and recorded, shall be and remain unalterable; and inasmuch as the public convenience will be for the present answered by the certain knowledge when and in what manner such streets, roads, lanes, courts and alleys, will in future run, but as it may not be necessary immediately to lay all of them open, and in order to provide for the opening of the same from time to time, as the increasing improvement of the township may require, it shall and may be lawful for a majority of the freeholders of the said township whose lands lie near or adjoining to such street, road, lane, court or alley, to apply by petition to the court of quarter sessions of the county of Philadelphia, who after hearing the petitioners and such other freeholders through whose lands such street, road, lane or alley may pass, as shall offer objections thereto, to determine whether it be proper at the time to direct the opening of the same, and if the court shall be of the opinion that the state of improvement in the neighborhood is such as to require the opening thereof, they shall issue their warrant, directed to the supervisor of the streets, roads, lanes, courts or alleys in the said township, enjoining and requiring him to open such street, road, lane, court or alley, according to the plan or draught of the same: *Provided always*, That no such street, lane, court or alley so laid out, shall be opened and appropriated to public use until the owner or owners of the ground through and over which the same may pass, shall have been compensated for any damages he or they may sustain thereby, which compensation shall be ascertained and paid, agreeable to the provisions of existing laws.

Proviso.

Duties of surveyors.

SECTION 30. That if in the opinion of the commissioners, the state of improvement in the township should require it, or would be promoted by it, the surveyor or surveyors appointed, or to be appointed, under the first section of this act shall be, and they are, with the approbation of the commissioners, hereby authorized and empowered, from time to time, as they shall see fit, to execute and perform the duties and powers in and by the above act enjoined and conferred, in such parts, and to such extent, as to them shall seem convenient and necessary, whether such party consists in surveying and laying out new streets, roads, lanes, courts or alleys, or common sewers, in surveying or marking the line of any streets, roads, lanes, courts or alley now open, or intended to be opened, for public use, or in regulating the height of any streets, gutters, or the width of the footways thereof, and draughts or plans of any such part or parts being from time to time made and returned, and in all respects proceed upon in the same manner prescribed by existing laws, shall, with respect to the part or parts therein comprehended, have the same force and effect as if one general draught or plan had been made, returned and proceeded on, anything in this act contained to the contrary notwithstanding.

County board to make appropriations.

SECTION 31. The said commissioners shall, whenever it required, as the said survey and regulation shall progress, apply to the county board, who shall make such appropriations as may be necessary: *Pro-*

vided, That the whole cost of said survey shall not exceed the sum of two thousand five hundred dollars.

SECTION 32. That the township of Providence, Luzerne county, Providence tp., shall be divided into two general election districts, as follows: com- Luzerne co., di-
mencing on the south-east side or bank of the Lackawanna river, in *vided*.
said township, on the line between the Howard farm and the farm
recently purchased by S. J. Scranton of the estate of Joshua Griffin,
deceased; thence continuing along the lines of the said lands a south-
easterly and direct course to the south-east line of said township;
thence commencing on the north-west side of said Lackawanna river,
on the line between the lands of Ira Tripp, and lands originally be-
longing to Thomas Griffin; thence along the line of said lands a north-
westerly and direct line to the north-west line of said township.

SECTION 33. That the qualified voters of said township residing *Place of holding*
on the south-west side of said lines, shall hold their general and special elections fixed.
elections at the house now occupied by D. K. Kressler, in the village
of Scranton, and the qualified voters of said township residing on
the north-east side of said lines, shall hold their said elections at
the house now occupied by Joseph Godfrey, in the village of Danmer
in said township.

SECTION 34. That the annual township elections of said township *Annual town-*
shall hereafter be alternately held at the house of Joseph Godfrey *ship election*.
and D. K. Kressler, and shall be held and conducted by the elect
officers residing in the district wherein the election is held, and the
first election under this law shall be held at the house of Joseph God-
frey.

SECTION 35. That the election officers shall, at each township election, *Two sets of*
open two boxes for judge of election and inspector, the one set of boxes *boxes*.
to be labelled "Danmer," in which the ballots for judge of election and
spectors of the qualified voters on the north-east side of said line shall
be deposited; the other set to be labelled "Scranton," in which the bal-
lots for judge and inspector of election of the said qualified voters on
the south-west side of said line shall be deposited: *Provided*, That *Proviso*.
any vacancies that may occur or be occasioned in the election boards by
the passage of this act, at either of the said districts at the first elec-
tion under this act, shall be filled by the qualified voters attending at
their respective districts, as is now provided by law.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, one thousand eight
hundred and fifty-three.

WM. BIGLER.

No. 172.

AN ACT

For the incorporating of the German Reformed congregation of the Drylands, in the township of Lower Nazareth, in the county of Northampton.

Preamble.

WHEREAS, The members of the German Reformed congregation of the Drylands, in the township of Lower Nazareth, in the county of Northampton, have prayed for an act of incorporation for better management of their affairs; therefore,

Style.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Privileges.

the said corporation shall be known and called by the name, style and title of the "German Reformed congregation of the Drylands," and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and equity, to take, hold, and receive, to them and their successors, for the use of said congregation, lands, tenements, goods and chattels, of whatsoever kind, nature or quality, real or personal, or mixed, which are now or shall or may at any time hereafter become the property of the said congregation, to be held for their use, by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage, improve or dispose of, for the support of the pastor or pastors, and other officers of the said congregation, and for benevolent, pious and charitable purposes: *Provided*, That the clear yearly income shall not exceed the sum of three thousand dollars, and shall not be appropriated to any other than benevolent, charitable and religious purposes.

Business of corporation, how conducted.

SECTION 2. That the business of the said corporation shall be conducted by four trustees, two elders and four wardens, who shall choose from amongst their number such officers as they may from time to time deem necessary for the better government of the said congregation; the present trustees, elders and wardens, shall continue in office for the respective periods for which they have been chosen, and their places shall be supplied as provided by the existing or any future by-laws of the said congregation.

Seal.

SECTION 3. That the said trustees and their successors shall have full power to make, have, and use a common seal, and the same to break, alter and renew at pleasure.

Property vested in corporation.

SECTION 4. That all the estate and property of the said congregation, or held by trustees for their use, shall be vested in the corporation hereby created, as fully and effectually as if duly conveyed to the said corporation.

By-laws, rules, and regulations to continue in force.
Proviso.

SECTION 5. That the existing by-laws, rules and regulations of the said congregation, shall continue in force until the same shall be altered or changed by the corporation hereby created: *Provided*, That the said by-laws, rules and regulations, and all other acts of the corporation which may be framed, enacted and promulgated by the same,

shall be in conformity to the rules and regulations of the German Reformed church in the United States of America, and not inconsistent with the Constitution and laws of United States, or of this State.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 173.

A FURTHER SUPPLEMENT

To an act entitled “An Act to incorporate the Philadelphia, Easton and Water Gap railroad company,” approved the eighth day of April, one thousand eight hundred and fifty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the fourth section of an act entitled “An Act for the relief of Patterson and Witmer; relative to the Manheim and Lebanon turnpike company; to the claim of Thomas Maguire; authorizing certain corporations to subscribe stock to the Philadelphia, Easton and Water Gap railroad company, and for other purposes,” approved the sixth day of May, one thousand eight hundred and fifty-two, shall be and hereby is so amended that the word “districts” shall be substituted for the word “townships” wherever it occurs in said section, and the provisions of said fourth section, subject to the stipulations contained in the first section of an act supplementary to the act incorporating said company, approved the twenty-fifth day of January, one thousand eight hundred and fifty-three, are hereby extended to the several counties, and to the municipal and other corporations within the said several counties, except the borough of Easton, in the county of Northampton, and except also the counties of Lehigh, Northampton, Bucks and Luzerne, into or through which the Philadelphia, Easton and Water Gap railroad may pass, and it shall be lawful for said company to locate and construct their railroad by the most advantageous route, without regard to any intermediate or contiguous county line: *Provided,* That the additional power hereby granted shall only authorize said company to locate and construct their railroad, if it shall be deemed expedient so to do, into or through any county next adjoining either of the counties within which said company are restricted, by limitations heretofore imposed.

Fourth section
of act amended.

Proviso.

SECTION 2. That said company are hereby authorized to connect their railroad with any other railroad now constructed or which may hereafter be constructed, at either end or at any intermediate point on the

Authority to
connect with
other railroads.

line thereof, in such manner as may be deemed most convenient and advantageous in each and any case.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 174.

A SUPPLEMENT

To an act entitled "An Act to authorize William Linn, trustee of the minor children of Robert and Ann Stockton, to sell and convey certain real estate, and for other purposes," approved March twenty-fifth, one thousand eight hundred and forty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the North Branch coal and iron company is hereby authorized to build and construct a railroad from its lands, and of such mode of construction, as it may deem expedient, and shall connect by the nearest and most practicable route, not exceeding seven miles, either with the Hazleton or Beaver Meadow railroads, and shall have all the powers and be subject to all the restrictions in respect thereto, which are contained in sections from ten to eighteen inclusive, of the act entitled "An Act regulating railroad companies," passed the nineteenth of February, one thousand eight hundred and forty-nine, and may establish their office for the transaction of the principal corporate business of said company, either in the town of Hazleton or in the city of Philadelphia, or the city of New York, as said company may deem most expedient, and may elect any of its stockholders who are citizens of the United States as directors of the same, and may for the purpose of constructing said railroad and stocking the same, increase its capital by creating two hundred and fifty thousand dollars of additional stock, and may borrow not exceeding two hundred thousand dollars, and issue its bonds therefor, in sums not less than one hundred dollars each, as may be necessary, and may dispose of the same in such manner and at such prices as it may deem expedient; and that in lieu of the shares of stock being for fifty dollars each, as provided in the act to which this is a supplement, the same shall be reduced to and be issued for twenty-five dollars each.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 175.

AN ACT

To incorporate the Doylestown and Lumberton turnpike and plank road company; relative to the Quakertown and Sellersville turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners. William T. Rogers, Alfred H. Barber, George Lear, Charles H. Mann, Seneca Fell, Thomas Dungan, William Watson, Joshua Fell, William Beans, David Fell, William Fenton, Mordecai Lewis, Benjamin S. Rich, John E. Kenderdine, Samuel Beans, Oliver Balderston, William Kitchin, Howard Paxson, Isaiah Quiuby, Cyrus Livezey, John D. Balderston and N. K. Wannemaker, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name, style and title of "The Doylestown and Lumberton turnpike and plank road company," with Style. power to construct a turnpike or plank road, commencing at the river road at Lumberton in Bucks county, thence by the nearest and best route through Mechanicsville, until it intersects the Doylestown and Buckingham turnpike road at or near the dwelling of John Bradshaw Location. in said county, subject to the provisions and restrictions of an act Subject to the provisions of regulating turnpike and plank road companies, approved on the twenty-sixth day of January, one thousand eight hundred and forty-nine, and certain act. the supplements thereto, except as hereinafter provided.

SECTION 2. That the capital stock of said company shall consist of Capital stock. six hundred shares, of twenty-five dollars each, with privilege of increasing said stock if necessary to complete said road.

SECTION 3. That said company shall have power to construct a turn- Power to con-
pike or plank road, as they shall deem most expedient, and to construct struct a turn-
the same on any public road in the line of said route, and if a plank pike.
road is agreed upon by said company, to turnpike instead of planking
such portions of the same as they may deem expedient.

SECTION 4. That whenever the said company shall have completed Tolls.
three miles of said road, they shall have power to erect toll-gates and
receive tolls, under the same regulations that they would be allowed
on the completion of five miles by the general turnpike and plank road
act.

SECTION 5. That the track of said road shall not be less than eight Width of track.
feet wide, with power to construct the same sixteen feet, and to open
the road, if deemed expedient, to the width of forty feet.

SECTION 6. That the president and managers of the Quakertown President and
and Sellersville turnpike road company, be and they are hereby autho- managers of the
rized and empowered to borrow any sum or sums of money, not ex- Quakertown and
ceeding one thousand dollars, which they may deem necessary, at any Sellersville turn-
rate of interest not exceeding six per cent per annum, for the payment pike road com-
of the debts of the company, and it shall and may be lawful for the pany to borrow
president and managers of said turnpike road company to secure the money.
the money so borrowed, and to provide for the payment of the same, by

pledging all the real estate, tolls, and revenues of the said turnpike road company, by mortgage or otherwise.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 176.

AN ACT

To incorporate the Waynesburg and Washington plank road company; to the location of a State road from Morris' cross roads, in Fayette county, to a point on Dunkard's creek, in Greene county; for changing the time of holding courts in Greene county; and relative to the transfer of stock to James H. Hays, in the Birmingham and Elizabeth turnpike company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners.	Abner Clarke, Francis Fitzwilliams, Robert Boyd, Barnabas Hughes, Thomas M'Giffin, Samuel S. Hughes, John M. Stockdale, Jesse Lazear, Jesse Hook, Abel M. Evans, John Pheland, Charles A. Black, Enoch Baker, Sela Baldwin, Caleb Evans, Jackson Closser, William Hughes, John Curry, Jackson Patterson, John W. Chambers, Wm. Lewelland, S. Strous, Isaac Horn, Thomas Johns, John Gwyson, John Bausman, C. M. Reed, William M'Kennan, A. W. Acheson, James Watson and John L. Brady, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company
Style.	by the name, style and title of the "Waynesburg and Washington plank road company," with power to construct a plank road from
Location.	Waynesburg, in the county of Greene, by the nearest and best route, as the stockholders or directors may determine upon, to Washington, in the county of Washington, and with power also to occupy any portion, or the whole if necessary, of any public road lying between the said
Subject to provisions of certain act.	points, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, except that portion of the thirteenth section of the said act relating to tolls, which discriminates in favor of wheels of the breadth of four inches and upwards, which tolls, so far as they relate to carts and wagons, shall be uniform, and at the rate fixed by said act for wheels less than four inches in breadth, and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by the said thirteenth section, without reference to the width of wheels in any case.

SECTION 2. That the capital stock of said company shall consist of Capital stock. two thousand shares, at twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the construc- Commencement tion of their road within two years after the granting of this act, and complete the same within four years thereafter, this act shall be null of road. and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

SECTION 4. That John Morgan, of Fayette county, and Jacob Del- Commissioners. linger and Patrick McCullough, of Greene county, be and they are hereby appointed commissioners to view and lay out a State road, beginning at Morris' cross roads, in Fayette county, thence by way of Dellinger's ferry, on the Monongahela river, and thence by way of Mount Morris, Jollytown and Freeport, Greene county, to the Virginia State line, if necessary, to intersect a contemplated road from the flats of Grave creek, Virginia, down Dunkard creek, in Greene county, Pennsylvania. Location.

SECTION 5. That it shall be the duty of said commissioners, or a Duty of com- majority of them, after having been duly sworn or affirmed before a missioners. justice of the peace to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the present road and parts adjacent, between the aforesaid points, and lay out the same as nearly along the route of the existing road as the requisite improvement of the said road, without unnecessary deviation, will admit, and that the vertical departure from a horizontal line shall at no place exceed four degrees, excepting only at the crossing of ravines and streams, where by moderate excavations, filling or bridging, the declination of the said road may be preserved within that limit.

SECTION 6. That the commissioners herein named shall receive a Pay of commis- per diem allowance of one dollar and fifty cents for every day they and sioners and each of them shall be necessarily employed in performing the duties others. under this act, and the said commissioners are hereby authorized to employ a surveyor, who for his services as such shall receive a per diem allowance not exceeding two dollars, and two chain carriers and one axeman, at one dollar and fifty cents each for every day necessarily employed.

SECTION 7. That the said commissioners shall, with as little delay as possible after said survey, make out their drafts of said road as loca- Drafts to be ted, whereon shall be noted the courses and distances, the crossing of made out and streams, of county and township lines, one of which shall be forwarded filed. by mail to the Secretary of the Commonwealth, to be filed in his office as a matter of record, and one to be filed in the office of the clerk of the court of quarter sessions in the respective counties through which the road may pass, which clerks are hereby authorized on the filing of said drafts, to issue an order on the supervisors of each township in their respective counties for the immediate opening of said road, the expense of which orders are to be borne by the respective counties, in proportion to the number of days employed in each, and from the time of such filing as last stated, the said road shall be to all intents and purposes a public highway.

SECTION 8. That it shall be the duty of the supervisors of the sev- Duties of super- eral townships in the counties through which the said road authorized visors. to be laid out by the foregoing sections of the act aforesaid shall pass, upon twenty days' previous notice being given, to proceed to open and

make said road, as other roads are opened and made, and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine of not less than fifty dollars, to be collected as other fines are collected, without stay of execution, and said fines shall be appropriated to the use of said road.

Vacation of roads.

SECTION 9. That the commissioners appointed by or in pursuance of this act, shall have power to vacate any road or part of roads which may be rendered useless by the location of the road hereby authorized, and shall have power to change the location of any part of the road now in use between the points mentioned in this act.

Accounts, how settled.

SECTION 10. That the accounts of the said road commissioners for their own pay and that of the surveyor, chain carriers and axeman, shall be adjusted by the county commissioners of the counties through which the said road may pass, and paid out of the treasuries of the same, according to the time actually required to locate the road within the respective counties.

Meeting of commissioners.

SECTION 11. That the said commissioners shall meet at Morris' cross roads, in Springhill township, Fayette county, on or before the first day of November, one thousand eight hundred and fifty-three, or as soon thereafter as practicable, and proceed to perform the duties aforesaid, and if any vacancy or vacancies occur by resignation or otherwise, the remaining commissioners shall supply the same by the appointment of a suitable person, who shall perform the duties aforesaid.

Time of holding courts in Greene co. fixed.

SECTION 12. That hereafter the several courts of Greene county shall be held on the fourth Monday of September in each and every year, instead of the third Monday, to continue two weeks, if necessary.

Transfer of certain stock.

SECTION 13. That the Auditor General be and he is hereby authorized and required to transfer, or cause to be transferred, to James H. Hayes, of Allegheny county, all the stock owned by the Commonwealth in the Birmingham and Elizabeth turnpike company, being one hundred and sixty shares, purchased by said Hayes at public sale, under the provisions of an act of Assembly passed April twenty-sixth, one thousand eight hundred and fifty-one.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The thirtieth day of March, one thousand eight hundred and fifty-three.

WM. BIGLER

No. 177.

A FURTHER SUPPLEMENT

To an act to incorporate the Summit Branch railroad company, in Dauphin and Schuylkill counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Extension of Summit Branch railroad company may extend their railroad to connect Summit Branch with such other railroads within twenty miles, as shall afford the best railroad. facilities for transportation to market of their coal and other products, and it shall be lawful for said company to increase their capital stock seven hundred thousand dollars, and to borrow such sum or sums of money as said company may deem necessary, to an amount not exceeding one million of dollars, by the issue of bonds, secured by mortgage of the property of said company, which bonds said company may sell at such price as they shall deem best; *Provided,* That no such bonds shall be issued for a less sum than one hundred dollars. *Proviso.*

SECTION 2. That for the purpose of carrying this act into effect, said Summit Branch railroad company are hereby invested with all the rights and privileges, and made subject to all the restrictions of their original acts of incorporation. *Invested with certain powers.*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The thirtieth day of March, one thousand eight hundred and fifty-three.

No. 178.

AN ACT

To incorporate the Venango railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Arnold Plumer, A. P. Whitaker, Edwin C. Wilson, Robert Crawford, John Hoge, Thompson Graham, John Forker, Hugh Brawley, George Merriman, Alexander Powers, William McDiell, William F. Clark, and C. V. Kinnear, or any three of them, are hereby appointed com- *Commissioners.*

missioners, to open books, receive subscriptions, and organize a company by the name, style and title of "The Venango railroad company," with all the powers and subject to all the restrictions prescribed by an act regulating railroad companies, approved the nineteenth day of February one thousand eight hundred and forty-nine, except so far as they are hereby altered and supplied.

Style.
Subject to provisions of certain act.
Capital stock.
Proviso.

SECTION 2. That the capital stock of said company shall consist of three thousand shares, of one hundred dollars each share: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete and equip the said road, and to carry out the true intent and meaning of this act of incorporation.

Rights of company to construct a railroad

SECTION 3. That the said company shall have the right to build or construct a railroad, with a single or double track, as they may deem expedient, and of a width of gauge not exceeding four feet ten inches, beginning at or near the borough of Franklin, in the county of Venango, or at the mouth of Big Sugar creek; thence by the best and most practicable route so as to intersect the Sunbury and Erie railroad, at any point they may think most advisable, and from any point on the said Venango railroad or route; thence by the best and most practicable route into the coal field near Sandy Lake, Mercer county.

Authority to extend their road.

SECTION 4. That at any time hereafter the said Venango railroad company shall have the authority and privilege to extend their railroad from the aforesaid borough of Franklin, or mouth of Big Sugar creek, by the best and most practicable route or routes, so as to intersect the Allegheny Valley railroad, at any point on said road that they may think most advisable, and shall have the authority to increase their capital stock so much as in their opinion is necessary to build, construct and equip said extension, in the same manner as is prescribed and directed in the second section of this act of incorporation.

Commencement and completion of road.

SECTION 5. That if the said company shall not commence the construction of said road within two years, and complete and open the same for use with at least one track within ten years, then this charter shall be null and void.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 179.

A SUPPLEMENT

To "An Act providing for the expenses of roads and poor in Reserve township, in the county of Allegheny;" to incorporate the Deer Creek plank road company; to patentee a certain inlet; to paving certain streets in the district of Spring Garden.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the compensation of the supervisors of roads in the township of Reserve, shall be fixed at the rate of one dollar and fifty cents for each day actually employed in the business of his office as supervisor, and the same shall be allowed to him in the settlement of his accounts by the proper officers. Compensation of supervisors in Reserve township.

SECTION 2. That the bonds required to be given by the act to which this is a supplement, on the part of the supervisors and auditors, shall be given with good and sufficient security, to be approved by one of the judges of the court of quarter sessions of Allegheny county, within thirty days after the annual election, and filed in the office of the clerk of said court, and in default of compliance with these provisions, it shall be lawful for said court to appoint some suitable person residing in said township, under the same conditions. Bonds.

SECTION 3. That in case of non-performance of the duties of their office by either the supervisor or auditors of said township, he or they so offending shall be liable to a penalty of fifty dollars, to be sued for in the name of the said township, at the instance of any person aggrieved, and recovered as debts under the sum of one hundred dollars are now sued for and recovered by law. Penalty for neglect of duty.

SECTION 4. That William Gray, John Dawson, Nathan Conelly, Joseph Martin, John Caldwell, John Armstrong and Hamilton Duncan, of Allegheny county, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name, style and title of "The Deer Creek plank road company," with power to construct a plank road from Robert Glasgow's, on the Kitting road in West Deer township, Allegheny county, to a point on the Allegheny and Butler plank road, on or near to the farm of Samuel McCaslin, in McCandless township, in the said county of Allegheny, by the nearest and best route or routes, as the stockholders may determine upon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto. Commissioners. Style. Location.

SECTION 5. That the capital of said company shall consist of four hundred shares, at twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road or roads, and to carry out the true intent and meaning of this act. Capital stock. Proviso.

SECTION 6. That if said company shall not commence the construction of their road within three years after the passage of this act, and Commencement and completion of road.

complete the same within ten years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

Surveyor General authorized to issue a certain patent.

SECTION 7. That the Surveyor General is hereby authorized and required to issue a patent to P. T. Ridgway, of the borough of Franklin, in the county of Venango, for inlot number four hundred and seven in said borough, upon the same terms as inlot number four hundred and six in said borough was patented: *Provided*, That said P. T. Ridgway has the legal title to said inlot number four hundred and seven.

Duties of commissioners of Spring Garden, Philadelphia county.

SECTION 8. That it shall be lawful for the commissioners of the district of Spring Garden, in the county of Philadelphia, from time to time, whenever they shall deem it expedient, to lay the water-pipes along and pave the cartways in any of the streets in that part of the district lying between the south side of Coates' street and the north side of Callowhill street, and between west side of Broad street and the west side of Schuylkill Fourth, including said Schuylkill Fourth street, and to assess the cost thereof on the owners of the lots of ground fronting on such street or streets, and to proceed and collect the same, as the cost of piping and paving streets in other cases in said district is recoverable by existing laws.

Washington street, Spring Garden, to be widened.

Proviso.

SECTION 9. That Washington street, formerly called Hill street, as laid out on the plan of the district of Spring Garden, in the county of Philadelphia, between Broad street and Schuylkill Fourth street, be and the same is hereby widened five feet on each side thereof, so as to make the whole width of said street fifty feet: *Provided*, That the additional width of five feet shall constitute part of the foot-ways of said street, and the owners of the lots fronting thereon shall have the full right of extending their steps, cellar-doors and enclosed yards, to the full extent of the said five feet in front of their respective premises, the damages, if any, occasioned to the owners of private property by such widening, to be assessed and paid according to the laws now in force in the city and county of Philadelphia.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 180.

AN ACT

Relative to the running of railroad cars in the borough of York.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the burgesses and inhabitants of the borough of York, in the county of York, be and they are hereby authorized and empowered to regulate and control the running of railroad cars within the limits of the said*

borough, in such way as may be expedient for the public interests of said borough, and the proper security of the persons and property of the inhabitants thereof, and to enact and enforce by suitable penalties, such by-laws and ordinances in regard thereto as the circumstances of the case may require: *Provided nevertheless*, That no ordinance shall be enacted to prevent the running of locomotives through said borough nor to limit the speed of the same below four miles an hour.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The thirtieth day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 181.

AN ACT

To authorize the Canal Commissioners to examine the claims of Noah Hartzler.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Canal Commissioners be and they are hereby authorized and required to examine the claim of Noah Hartzler for injuries done to the canal boat Henry Lloyd and its cargo, on the eastern division of the Pennsylvania canal, in the month of November, Anno Domini one thousand eight hundred and fifty-two, and if they shall ascertain that the damages sustained were occasioned by the negligence, carelessness, or inattention of any of the agents or officers of the Commonwealth appointed to keep and preserve the canal in proper navigable order, then to assess the amount thereof and report the same to the Legislature as speedily as practicable: *Provided*, That no damages shall be allowed except for the actual injury done to the boat and cargo, and no item of damages shall be allowed unless the amount of the actual loss, deducting the value of the wreck and damaged goods, shall be clearly established by affidavit.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The thirtieth day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 182.

AN ACT

To incorporate the Pittsburg Horticultural society; relative to the support of the poor of Allegheny county; authorizing certain townships in Somerset county to vote on the question of a subscription to the Connellsville railroad company.

- Preamble.** WHEREAS, In view of the importance of Horticulture in advancing the interests of every community, a number of persons in Pittsburgh and vicinity, have associated for the purpose of furthering the said object, and desire the privileges of a corporate body; Therefore,
- Corporation.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons who now form the Pittsburg Horticultural society, and their successors, shall be and are hereby declared to be a body politic and corporate, by the name and style of "The Pittsburg Horticultural society," to have succession, to plead and be impleaded, sue and be sued, in all courts of record or elsewhere, and be capable to purchase, receive, occupy, hold and convey, any real or personal estate which may be proper to carry out the objects of their association, and the same from time to time to sell, grant, devise, alien and dispose of, and to use a common seal, and to alter or renew the same at pleasure.
- Style.**
- Privileges.**
- Power to receive bequests, &c.** SECTION 2. That the said society shall have power to receive bequests and donations of trees, plants, seeds or otherwise, and to cultivate the same, for the purpose of encouraging and improving the science of Horticulture, and for the introduction of new species and varieties, and for no other purpose whatever; *Provided,* That the said society shall not sell any plants or seeds except those of new species or varieties raised by themselves or imported by said society.
- By-laws.** SECTION 3. That the said corporation, when convened upon due notice given to the members by public advertisement or otherwise, shall have power and authority to make, establish and ordain a constitution and by-laws for the regulation and government of the society, and to alter and amend such constitution and by-laws at any regular organized meeting of the society, as may be deemed proper, and that the officers of the said society shall be such as the constitution and by-laws may direct, and shall be elected annually, or otherwise; *Provided,* That no rule or by-law as aforesaid, shall be valid, if inconsistent with the laws of this State or of the United States.
- Present officers to continue in office.** SECTION 4. That the present officers of the said society shall continue in their respective stations, until an election shall be made under this act, and that the rules and by-laws now in force shall be good and valid until altered, amended or abrogated by the corporation, and that the effects of the said society shall be transferred to and claimed by the said corporation.
- Poor of Allegheny county.** SECTION 5. That in the first section of an act approved the twenty-third day of April, Anno Domini one thousand eight hundred and fifty-two, entitled "An Act to provide for the erection of a house for the employment and support of the poor of Allegheny county," the name of Henry Chalfant shall be substituted for that of Henry Chap-

man, and the name of Christian Snively for that of George W. Irwin.

SECTION 6. That the qualified voters of the township of Southampton, Greenville, Summit, Elk Lick, and Addison, in the county of Somerset, be and they are hereby authorized to vote at the ensuing township elections upon the question of said township subscribing to the stock of the Pittsburg and Connellsville railroad, those in favour of such subscription to vote a ticket labelled on the outside "Pittsburg and Connellsville railroad," and containing on the inside the words "For a township subscription;" and those opposed a ticket with the same label outside, and on the inside the words "Against a township subscription;" such votes to be counted and certified to in the usual manner; and in case a majority of the votes given as aforesaid in any of said townships shall be in favor of a subscription, the supervisors of such township shall be authorized to make a subscription to said road, in the name of the proper township, and to issue bonds for the payment thereof, in any sum not less than one hundred dollars, and bearing any rate of interest not exceeding seven per cent: *Provided*, That no bonds shall be disposed of for less than their par value, nor shall any subscription be made for a greater amount than ten per cent. of the assessed value of the property in the township making such subscription: *Provided further*, That such bonds shall be received as cash by said company in payment of the subscription of the township issuing the same, and the interest due thereon shall be paid by said company, until the said road shall be completed and in operation.

Certain tps. in Somerset co. to vote.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 183.

AN ACT

Authorizing William Barnes to erect a dam on the waste-way and use the waste water passing through said waste-way, on the lands of said Barnes, through which the Pennsylvania canal passes, in Armstrong county; extending the privileges of mill-owners on Red Bank creek, Jefferson county; declaring a certain road on Duncan's Island a public highway; to a State road in Perry county; authorizing the Tioga railroad company to borrow money; legitimating Sarah Mickey; relative to the Kittatinny slate company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Canal Commissioners be and they are hereby authorized, if not

W. Barnes authorized to erect a certain dam.

incompatible with the interests of the Commonwealth, to grant to William Barnes of Westmoreland county, the right to erect a dam on the waste-way, and convert to his own use for mills or other machinery, the waste water from the Pennsylvania canal where it passes through his land about one mile below Apollo on the Kiskiminetas river in Armstrong county, and grant to the said William Barnes, his heirs and assigns, the whole and exclusive right to the use of said waste water: *Provided, however,* That he shall not erect a dam, water works or machinery, that shall be in the least prejudicial to the navigation of the Pennsylvania canal.

Privileges to be in lieu of damage.

SECTION 2. That the privilege and use of said waste water shall be considered as equivalent to, and in lieu of damages sustained by the said William Barnes by means of the construction and re-construction of the Pennsylvania canal through the lands of the said William Barnes, and that the said Barnes shall ever hereafter be barred from recovering any damages whatsoever, for the erection of said Pennsylvania canal through said lands: *Provided,* That the Canal Commissioners shall have the right to resume the privileges hereby granted at any time, whenever they may think the interests of the Commonwealth may require such resumption.

Proviso.

Privileges of mill owners on the tributaries of Red Bank creek, Jefferson county.

SECTION 3. That in addition to the privileges heretofore enjoyed by mill owners, it shall and may be lawful for those owning mills or lands on any of the streams tributary to the Red Bank creek, in the county of Jefferson, declared by law navigable, to erect, maintain and keep up by brackets or otherwise, on their own premises, all such dam or dams as may be necessary to stock their said mills, or run their lumber to market: *Provided, however,* That such dam or dams shall be so constructed and maintained as not to injure the descending navigation: *And provided further,* That the water shall not be let off said dam or dams in greater quantities than is necessary to create a good rafting stage in the tributary in which said dam or dams is erected.

Certain road on Duncan's Island declared a public highway.

SECTION 4. That from and after the passage of this act, the road as now laid out and occupied between the bridge that crosses the canal at the point of Duncan's Island, and the bridge that crosses the Juniata river at its mouth, shall be and the same is hereby declared a public highway, and be placed under the supervision of the road master of Reed township, Dauphin county.

Court of quarter sessions in Perry co. to grant a view of a certain road.

SECTION 5. That the court of quarter sessions of Perry county shall have authority, upon the application of any citizen thereof, to grant a view on the public road leading from a point in the road leading from Clark's ferry to the west end of the Harrisburg bridge to a point at or near Ensminger's saw mill, in the road from Bloomfield to Carlisle; the persons appointed as aforesaid shall examine the said road as now located, and report to the said court whether or not they shall deem it useful and necessary for the accommodation of the public, and if they shall report that it is unnecessary and useless for the purposes aforesaid, or any part of it, the said court shall declare it, or such part as may be considered unnecessary, vacated; and the land now occupied by said road shall revert to the original owners or their alienees; the viewers shall be in all respects by existing laws, in the discharge of the duties of their appointment.

Tioga railroad company to borrow money.

SECTION 6. That the Tioga railroad company are hereby authorized to borrow such sums of money as they may deem necessary to complete the extension of their road in conformity with the supplemental act approved the fourteenth day of April, one thousand eight hundred and thirty-five, and to issue bonds therefor, with interest at the rate of

seven per cent. per annum, payable semi-annually, and to secure the holders of said bonds by mortgage upon such extension and its appurtenances.

SECTION 7. That Sarah Mickey, an illegitimate child of Robert Mickey, of Camberland county, shall have and enjoy all the rights, privileges, benefits and advantages of a child born in lawful wedlock. Sarah Mickey legitimated.

SECTION 8. That the Kittatinny slate company be and they are hereby authorized to increase the number of directors or managers of said company, to not more than nine or less than seven, as may be deemed expedient. Kittatinny slate company to increase number of directors.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 184.

A N A C T

Relative to the Locust Mountain Coal and Iron company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Locust Mountain coal and iron company to increase their capital and the number of their shares, in such manner as by them may be deemed expedient: *Provided,* That the number of shares and increase of capital hereby authorized, shall be based on the appreciated value of the land now held by said company, and shall be limited to an extent not exceeding two hundred dollars per acre: *And provided further,* That the said company may hold lands contiguous to its other lands, not exceeding four hundred acres, in the county of Schuylkill. Increase capital, &c.
Proviso.

SECTION 2. That the numbers of directors of this company be and is hereby reduced from nine to seven. Reduction of directors.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The thirty-first day of March, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 185.

AN ACT

To incorporate the United States Mutual Laudable and Provident association; relative to St. Joseph's German Catholic church in Lancaster; relative to the Lancaster county prison; authorizing J. Lacy Darlington, guardian, to sell certain real estate; authorizing the Mechanics' institute of Lancaster city to sell certain real estate; the sale of two school houses in Lebanon county; and relative to the estate of Rachael Wetherill, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Joseph T. Thomas, Emlen Physie, William G. Burk, J. L. Gihon, Oliver Fuller, James Blight, Edmund Lang, George Edwards, R. P. King, William Gihon, John Bastian, Harvey G. Tuckett, Francis Blackburn, John J. Meany, William Delleker, T. B. Peterson, James B. Smith, Francis W. Getz, William B. Morrell, or any five of them, and all others who may hereafter associate with them, be and the same are hereby incorporated under the style and title of "The United States Mutual Laudable and Provident association," with the power to make all and every contract and agreement and insurance, for the benefit of survivors, and enjoying the privileges granted by the Senate and House of Representatives of the Commonwealth of Pennsylvania to the Philadelphia life insurance company: *Provided*, Nothing in this act shall be construed to allow said corporation banking privileges.

Corporators.

Style.

Proviso.

Number of trustees and their continuance in office.

SECTION 2. That the board of trustees shall consist of nineteen persons, and those named in the first section of this act shall constitute the first board, and shall continue in office until the expiration of the twelve callendar months succeeding the first Monday in January after their organization, and not less than five trustees shall be a quorum for the transaction of business, and at all elections each member who shall have paid his premium during the current year shall be entitled to one vote, either personally or by proxy, and the trustees may contract with agents for a term of three years, and it shall be lawful for any married woman, by herself, and in her own name or in the name of any third person, with his assent as her trustee, to assure for her sole use, during the life of her husband, and on the amount becoming due and payable by the terms of the policy, it shall be payable to her for her own use, free from the claims of her husband or any of his creditors.

All amendments, &c., to act of incorporation to have the sanction of two-thirds of all the members, &c.

Proviso.

SECTION 3. That no amendment, addition, alteration or change whatsoever, shall be made in this act of incorporation, or have any effect, until the same shall have had the affirmative vote of two-thirds of all the members at two successive annual meetings, unless the whole number of trustees shall at a stated meeting unanimously agree thereto, when it shall be laid before the members at the ensuing annual meeting, and if three-fourths of the whole number of members voting, either personally or by proxy, agree to the same, it shall have full power and effect: *Provided*, That if at any time it shall appear to the Legislature that the said corporation has abused or misused any of the privileges hereby granted, the power to repeal this act shall in nowise be denied or impaired, but such appeal shall not affect the engagement to

which said company may have become a party, and said company shall have a reasonable time allowed to bring their contracts to a final settlement and determination.

SECTION 4. That the Right Reverend John Nepomucene Neuman, Bishop Neuman Bishop of the diocess of Philadelphia, and his successors, Bishops of Philadelphia, be and he is hereby authorized and empowered to borrow any sum of money not exceeding four thousand dollars, for the purpose of paying the debts, erecting and completing the church edifice, parsonage and other necessary buildings, upon the lots conveyed by Casper Hauck, to the Right Reverend Francis Patrick Kenrick, then Bishop of Philadelphia, and his successors, Bishops as aforesaid, in trust for the use of the German Catholics of the city of Lancaster, by indenture, dated the eighteenth day of January, one thousand eight hundred fifty, and recorded in the recorders' office at the city of Lancaster, in record book L, volume seven, page forty-two, et cetera, and upon borrowing such moneys, to make, sign, seal, execute and deliver a mortgage or other security in the law, to the person or persons loaning such money or moneys upon such church edifice, parsonage and other buildings thereon erected to secure the re-payment of the same, which said lots, church edifice, parsonage and other buildings, shall thereupon become pledged for the payment of such moneys: *Provided*, That the said Right Rev. John Nepomucene Neuman, and his successors, as aforesaid, shall at no time be held personally liable for the amount of money so borrowed. *Proviso.* *Vagrants in the city of Lancaster.*

SECTION 5. That any person or persons who may be convicted under existing laws, before the mayor or any alderman of the city of Lancaster, or any justice of the peace of Lancaster county, as a vagrant, drunken or disorderly person, shall for the first offence be sentenced to confinement at hard labor in the Lancaster county prison, for any term not exceeding one month, and for the second offence for any term not exceeding two months, and for every subsequent offence for any term not less than one or more than three months, and shall be fed, clothed and treated as convicts in said prison are directed to be fed, clothed and treated: *Provided*, That any person or persons who may conceive himself or themselves aggrieved by the judgment of any mayor, alderman or justice of the peace as aforesaid, may apply for a writ of habeas corpus, under the laws of this Commonwealth, to any judge of the court of common pleas of Lancaster county, and upon the return thereof, if such judge shall deem there is sufficient or reasonable ground for granting the same, he shall enter upon a rehearing of the evidence in the case, and either discharge or reform the judgment of him or them. *Proviso.*

SECTION 6. That so much of article fifth of the act of the twenty-fifth of February, one thousand eight hundred and fifty, relating to the Lancaster county prison, as prohibits the furnishing of tobacco to convicts, be and the same is hereby repealed. *Provisions of the certain act repealed.*

SECTION 7. That John Lacy Darlington, guardian of the estates of Catharine L. and Walter F. Darlington, minor children of Edward C. Darlington, of the city of Lancaster, held by them under the wills of their grandfather, Walter Franklin, and of their grandmother, Anne Franklin, both late of the city of Lancaster, deceased, be and he is hereby authorized and empowered to sell and dispose of, either by public sale or private contract, all the share and shares, part, portion and interest of the said minor children in any of the real estate and ground rents late of the said Walter Franklin, deceased, within this Commonwealth, and to receive the purchase money therefor, and thereof to acquit and discharge the purchaser or purchasers, and to make, execute and deliver all necessary and proper deeds, releases and other assurances, conveying, releasing and confirming the Estate of Hon. Walter Franklin.

Proviso.

same, or any part thereof, to the purchaser or purchasers, in fee simple: *Provided*, That before any such sale or sales shall be made, the said John Lacy Darlington, guardian as aforesaid, shall give good and sufficient security, to be approved of by the orphans' court of Lancaster county, for the faithful and proper application of the money arising therefrom.

Mechanics society of the city and county of Lancaster to sell certain property.

SECTION 8. That the Mechanics' society of the city and county of Lancaster, incorporated by the supreme court on the twenty-seventh of May, one thousand eight hundred and thirty-one, be and they are hereby authorized to sell and dispose of the half lot of ground fronting on South Queen street, in Lancaster city, with the buildings thereon, known as the Mechanics' Institute, which lot was purchased by said society from Melchoir Fordnay, on the first day of May, one thousand eight hundred and thirty-nine, and to make, execute and deliver, under the hands and seals of the president and secretary of said society, a deed or deeds therefor, in fee simple, and after paying the debts due by said society, to invest and appropriate the remaining proceeds of such sale for the purposes set forth in the constitution under which it was incorporated, and the right of said society to purchase, hold and dispose of said real estate, is hereby authorized and confirmed.

School directors of Heidelberg tp., Lebanon co., to sell school houses.

SECTION 9. That the school directors of Heidelberg township, Lebanon county, be and they are hereby authorized to sell two certain school houses in said township, known as number four and eleven on the account books of said directors, with the grounds connected therewith, and with the proceeds of such sales to erect two new school houses, for the use of said township.

Preamble.

WHEREAS, Rachael Wetherill, by her will, dated December the eighteenth, one thousand eight hundred and forty-three, did direct her executors to sell all her real estate, either immediately or within five years after her decease :

Preamble.

And whereas, John Price Wetherill, William Wetherill and Rebecca Gumbes, the executors of said will, on the sixth day of January, one thousand eight hundred and forty-nine, executed a deed of certain premises situate on and extending from Budden's alley to Cherry street, between Twelfth and Thirteenth streets, in the city of Philadelphia, being a part of said real estate, to James Glentworth, reciting therein said premises as having been sold on the fourteenth day of December, one thousand eight hundred and forty eight, but which said sale was made in order to comply with the provisions of said will :

Preamble.

And whereas, Said James Glentworth, on the same sixth day of January, one thousand eight hundred and forty-nine, re-conveyed said premises to the said John Price Wetherill and William Wetherill, which said deeds are recorded at Philadelphia in deed book G W C, number four, pages one hundred and eighty-seven et cetera, and one hundred and eighty-nine et cetera :

Preamble.

And whereas, The said John Price Wetherill and William Wetherill, by deed dated July the twenty-fifth, one thousand eight hundred and fifty-one, conveyed said premises to Charles F. Lex, the same having actually been sold to him :

Preamble.

And whereas, Doubts have been raised as to the title so conveyed, by reason of the said conveyance to James Glentworth, and said John Price Wetherill and William Wetherill, and no actual sale of the same having been made within five years, as directed in said will : therefore,

SECTION 10. That the title to said premises, mentioned and set forth in the said deed to said Charles F. Lex, shall be deemed to be as fully and completely vested in him, in all respects, as if said sale had been made within the term of five years, and in strict conformity with all the provisions of the will of said Rachael Wetherill, and as though a deed therefor had been made to him by all the executors of said will, and as though all other necessary matters whatever had been rightfully and legally done to vest a title to said premises in fee simple in said Charles F. Lex, nor shall the same be deemed in any manner to be affected, invalidated by said deed from said James Glentworth to John Price Wetherill and William Wetherill.

Estate of
Rachael Weth-
erill.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 186.

A FURTHER SUPPLEMENT

To the act of the sixteenth of June, one thousand eight hundred and thirty-six, entitled "An Act to encourage the manufacture of iron with coke or mineral coal, and for other purposes;" and extending the provisions of the act of the seventh of April, one thousand eight hundred and forty-nine, entitled "An Act to encourage manufacturing operations in this Commonwealth to the manufacture of manures, and articles from wood, iron, and other metals; and relative to the Allegheny bridge, at Franklin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That nothing contained in the act of the sixteenth of June, one thousand eight hundred and thirty-six, entitled "An Act to encourage the manufacture of iron with coke or mineral coal, and for other purposes," or in the supplement to said act approved the twenty-ninth day of June, one thousand eight hundred and fifty-two, entitled "A supplement to the act of sixteenth of June one thousand eight hundred and thirty-six, incorporating companies to manufacture iron with mineral coal and coke," shall be so construed as to prohibit any company from being incorporated under such act and supplement thereto, both for the purpose of making iron from the raw material with charcoal, and for the purpose of making iron from the raw material with coke or mineral coal, and any such company shall have the privileges and be subject to the restrictions contained in said act and supplement thereto.

Construction of
act relative to
manufacturing
companies.

SECTION 2. That the provisions of the act entitled "An act to encourage manufacturing operations in this Commonwealth," approved the agricultural ma-

Act extended to
agricultural ma-

nures, fertilizing agents, &c. seventh of April, one thousand eight hundred and forty nine, be and they are hereby extended so as to embrace all associations or companies that may be formed for the purpose of carrying on the manufacture of agricultural manures, fertilizing agents, and other articles, from the refuse filth of towns and carcasses of animals, and companies formed for the manufacture of articles from iron and other metals, or out of wood, iron and other metals.

Act of 14th
March, 1844,
made applicable
to the Franklin
and Allegheny
bridge company

SECTION 3. That the act of Assembly relating to various turnpike and bridge companies in this Commonwealth, approved March fourteenth, one thousand eight hundred and forty-four, be and the same is hereby repealed, so far as the same is applicable to the president and managers of the Franklin and Allegheny bridge company, for erecting a bridge over the Allegheny river at or near the borough of Franklin, in the county of Venango.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The first day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 187.

AN ACT

To incorporate the Yellow Springs Improvement company; relative to the extension of Chesnut or James street, West Philadelphia; to the free bridge across the river Schuylkill, opposite Chesnut street; relative to the paving of James street, Spring Garden; to election of supervisors in Roxborough township, Philadelphia county; and the erection of an Hospital in Philadelphia county prison.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Robert F. Walsh, Thomas G. Hollingsworth, Christian A. Paulsen, William S. Vaux, John R. Penrose, John Tucker, William Sergeant, John S. Morgan, Mordecai Lee and Joseph J. Lewis and their associates, be and they are hereby created a body politic and corporate, under the name and title of "The Yellow Springs Improvement company," and by that name shall be known and have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, hold, lease or convey, at pleasure, so much land, or any part thereof, with the improvements thereon, as is known by the name of "The Yellow Springs," in Chester county in this Commonwealth, not exceeding in all one hundred and fifty acres, and also to make such rules, by-laws, regulations and ordinances, as may be needful and convenient for the government of said corporation, and not inconsistent with the Constitution and laws of the United States or this State.

Corporators.

Style.

Privileges.

SECTION 2. That the corporators named in the first section of this Meeting of corporators. act, or a majority of them, shall, at some convenient time and place, to be agreed upon by them, meet and elect a president, secretary and treasurer, and a board of five managers, of which the president shall be one, who shall respectively hold their offices for one year, or until their successors shall be chosen.

SECTION 3. That the capital of said corporation shall be fifty thousand dollars, which shall be divided into shares of five hundred dollars each, which shares shall be personal property, and be transferable upon the books of the company, in person or by power of attorney, and at all elections and meetings each stockholder shall be entitled to one vote for every share of stock by him or her held. Capital stock.

SECTION 4. That the object of said corporation shall be to purchase, embellish and improve, occupy, let, lease, or dispose of the property, or any part thereof, named in the first section of this act, for the purpose of accommodating and amusing the visiting public, and said springs, buildings and grounds, shall be held by said association as a public watering place, and for no other purpose whatsoever: *Provided*, That the stockholders in said corporation shall be liable in their individual capacities and estates for all the debts created and liabilities incurred by this corporation: *And provided further*, That said corporation shall exist for twenty-eight years, and no longer, and it shall possess no banking, discounting or manufacturing privileges whatever. Object.

SECTION 5. That the president and managers may annually, or oftener, declare and divide amongst the stockholders of the corporation such an amount of the profits as they may deem expedient: *Provided*, Dividends. No dividend of profits shall at any time be declared which may impair the capital of the corporation. Proviso.

SECTION 6. That the Legislature reserves the right to alter, amend or annul this act, whenever it may deem it expedient, in such manner however, as to do no injustice to the corporators. Reservation.

SECTION 7. That the commissioners of West Philadelphia are hereby authorized to cause James street, or Chesnut street, as laid down in the plan of Hamilton village, to be opened, continued and extended from its western termination on said plan, between parallel lines, of the same width and of the same courses and directions as are laid down on said plan for said street, to the western boundary of the district of West Philadelphia, and that the damages to property for opening, continuing and extending said street, shall be paid according to the provisions of the general road laws in force in Philadelphia county, and that said street shall be deemed as part of the plan of the district of West Philadelphia. Commissioners of West Philadelphia to open James street.

SECTION 8. That Chesnut street in the city of Philadelphia, and Chesnut or James street in the district of West Philadelphia, are hereby laid out and continued to low water mark respectively on the river Schuylkill, and the court of quarter sessions of the county of Philadelphia is hereby required to appoint six disinterested persons as jurors, who shall be governed in all respects as road jurors by law are now governed, whose duty it shall be to assess any damages that may be sustained by the opening of said streets, and by the occupation of any site, wharf, or landing, as shall or may be requisite for the proper construction of the free bridge at or opposite to said Chesnut street, provided for by an act entitled "An Act to authorize the erection of free bridges over the river Schuylkill," approved the twenty-seventh day of March A. D. one thousand eight hundred and fifty-two, which said damages shall be paid by the county of Philadelphia. Extension of Chesnut and Chesnut or James street, in Philadelphia.

Further powers. SECTION 9. That it shall and may be lawful for the commissioners of said county to occupy, build upon, and alter so much of any public or private wharf or landing on said river Schuylkill, as may be requisite for the proper construction of said bridge.

Powers of commissioners of Spring Garden. SECTION 10. That it shall be lawful for the commissioners of the district of Spring Garden, in the county of Philadelphia, whenever they shall deem it expedient, to lay the water-pipes and pave the cart-way in James street from Ninth street to Charles street, and assess the cost thereof on the owners of the lots of ground fronting on said street, and to proceed and collect the same, as the cost of piping and paving streets in other cases in said district is recoverable by existing laws.

Roxborough tp., Philadelphia co., to elect one supervisor. SECTION 11. That the qualified voters of the township of Roxborough, in the county of Philadelphia, shall at the time and place of holding the township election on the third Friday of March next, and annually thereafter, elect one citizen supervisor of the roads, whose duty shall be to open, repair and keep in good order all the roads within the said township of Roxborough, and he shall be entitled to one dollar and fifty cents per day for each and every day that he shall be engaged in the duties of his office; any act to the contrary is hereby repealed.

Commissioners of Philadelphia co. to erect hospital. SECTION 12. That the commissioners of the county of Philadelphia, be and are hereby authorized and directed to erect and build a hospital for the sick of the Philadelphia county prison, on the vacant ground lying between the debtors' apartment and the said prison: *Provided*, The cost thereof shall not exceed five thousand dollars, the sum to be paid from any moneys in the treasury not otherwise appropriated: *Provided further*, That the construction of said hospital shall be under the direction of the inspectors of the county prison.

Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The second day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 188.

AN ACT

To authorize the Central Coal company to construct a railroad.

Central coal company authorized to construct a railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Central coal company is hereby authorized to construct a railroad from any point upon their lands in the townships of Pittston, Lackawanna, Providence or Blakely, in Luzerne county, to connect at the nearest eligible point in said county with the Delaware, Lehigh and Wyoming Valley railroad, or the Delaware, Lackawanna and Western railroad, and for the purpose of constructing such road, and any road from their

said lands to the North Branch canal, and stocking the same, and for no other purpose, the said company are authorized to increase their capital stock any amount not exceeding four thousand shares, of fifty dollars each.

SECTION 2. That for the purposes in this act contained, the said ^{Power to bor-} Central coal company are authorized to borrow any sum of money not ^{row money.} exceeding two hundred thousand dollars, and issue bonds therefor, with or without coupons attached, bearing a rate of interest not exceeding seven per centum per annum, but no bond shall be issued for a less sum than one hundred dollars.

SECTION 3. That said company shall open books for subscriptions of ^{Open books for} stock herein authorized, and shall give at least twenty days' notice ^{subscription.} thereof, in at least two newspapers published in the vicinity where said books are to be opened, specifying the time and place where such subscriptions will be received, and the said books shall be kept open for at least three successive days, from ten o'clock A. M., to three o'clock P. M., or until all of said stock shall have been subscribed, allowing all persons to subscribe who shall pay at least five dollars upon each share so subscribed to the treasurer of said company at the time of making such subscriptions.

SECTION 4. That the said company may construct any of its rail- ^{Gauge.} roads or branches of such gauge or width as it may deem expedient.

SECTION 5. That the said company shall pay to the Commonwealth ^{One per centum} one per centum upon the amount of capital stock created under the ^{on capital stock} provisions of this act, in annual instalments of two hundred and fifty dol- ^{to be paid to the} lars each, the first to fall due in six months after the creation of such ^{Commonwealth} stock: *Provided*, That if less than the amount of capital stock hereby authorized be created, the said annual instalments shall be proportionably reduced in amount.

SECTION 6. That the said company shall construct all railroads and branches to be built by it under and subject to all the provisions, conditions and restrictions of the tenth and succeeding sections of the act entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine. ^{Subject to provisions of certain act.}

SECTION 7. That in the election of its officers, the said company shall not be subject to the provisions of the act entitled "An Act relating to certain corporations," passed thirteenth day of March, A. D., one thousand eight hundred and forty-seven. ^{Not subject to certain act.}

SECTION 8. That the said Central coal company shall make an annual report to the Auditor General, verified by the oath or affirmation of the president, secretary and treasurer thereof, in the month of December, stating explicitly and accurately the names of all stockholders of such company, the whole amount of the capital stock thereof, the amount or proportion of the said capital stock paid in, the amount of capital invested, the number of acres of land held by the said company, and where situate, and the amount of coal mined and of coal transported to market by the company during the previous year. ^{Annual report.}

SECTION 9. That the road herein authorized shall be commenced in ^{Commencement} three years and completed in seven years from the passage of this act. ^{and completion of road.}

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The second day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 189.

AN ACT

For the relief of Alvin Seward and Luman Kellogg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Canal Commissioners be and are hereby required to examine the claims of Alvin Seward and Luman Kellogg for work done on the Tunkhannock division of the North Branch canal, also for work done and materials found on the Tioga division of the North Branch canal, and ascertain and report to the Legislature what amount, if any, is due said claimants: Provided, That no allowance shall be made for prospective profits.*

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The second day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 190.

AN ACT

Authorizing the Canal Commissioners to examine the claim of James McColgan, for damages sustained on the Allegheny Portage railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Canal Commissioners be and are hereby authorized to examine the claim of James McColgan for damages sustained by having two horses injured at the foot of plane number five, one of which is alleged to have been injured by breaking through a bridge, and the other by falling into a ditch that had been made across the road by the State officers, and report the amount of damages, if any, together with the facts, to the Legislature: Provided, That they are of opinion that the said accidents happened by the negligence of the public officers.*

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The second day of A. D. April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 191.

AN ACT

To incorporate the Merchants' and Mechanics' Mutual Insurance company of Philadelphia; relative to the October term of the courts of Allegheny county; authorizing the trustees of the Reimersburg Methodist church to sell a certain lot; and relative to the Somerset and Johnstown plank road company; authorizing the commissioners of Potter county to make a certain deed; and relative to the stock of the Rock Cabin coal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners John B. Meyer, D. B. Hinman, Hugh Craig, John Reynolds, A. G. and their duties. Waterman, Franklin Platt, J. B. Flanigan, Robert Ewing, Samuel Copeland, James Bellas, Thomas E. Baxter, Isaac R. Davis, William H. Hope, and William Watt, be and they are hereby appointed commissioners, whose duty it shall be, at any time or times to be by them appointed, to open books in the city of Philadelphia to receive application for insurance by the Merchants' and Mechanics' Mutual insurance company of Philadelphia, and as soon as applications amounting to one hundred thousand dollars shall be received, such commissioners shall give at least ten days notice, by at least one advertisement, in two of the daily newspapers published in the said city, of the time and place for the election by the said subscribers, each one being entitled to one vote, for twelve directors of the said company, to serve until the first day of January then next ensuing, or until their successors shall be legally chosen, whereupon the Governor shall issue letters patent to the said applicants for insurance, under the name of the Merchants' and Mechanics' Mutual Insurance company of Philadelphia.

SECTION 2. That all the corporate powers of the said company shall Powers to be exercised by the board of directors, and such officers and agents as they may appoint; the board of directors shall consist of twelve persons, all of whom must be residents within the United States of America, and five of them shall constitute a quorum: the board of directors shall annually elect one of their number president, and they shall have the power to fill any vacancy or vacancies in the board by death, resignation, or otherwise.

SECTION 3. That the said company shall have all the powers con- To have all the powers of the equitable mutual insurance company. ferred on or exercised by the Equitable Mutual Insurance company now located in the city of Philadelphia, in the State of Pennsylvania, and they may cause themselves, at any time or times, to be wholly or partially reinsured as to any risks, and to invest their funds in loans, stocks, bills, notes, or otherwise.

SECTION 4. That from and after the first day of September next, Courts in Alle- the October term of the court of common pleas, quarter sessions of gheny county. the peace, oyer and terminer, and general jail delivery and orphans' court of Allegheny county, shall commence on the first Monday of October in each year.

SECTION 5. That William Morris, Charles Hutchison, James M'- Trustees of Coy, John Armstrong, and David Austin, temporary trustees of the Methodist congregation of the Methodist Episcopal church of the town of Reim- church in Reim-

ersburg to sell
certain prop-
erty.

ersburg, Clarion county, be and they are hereby authorized and em-
powered to sell lot number ten in said town, and to make the purcha-
ser or purchasers a deed of fee simple for the same: *Provided*, That
the proceeds of said sale shall be held in trust for the use of said con-
gregation.

Repeal of act
relative to Som-
erset and Johns-
town plank road
company.

SECTION 6. That the proviso contained in the first section of an
act entitled "An Act regulating turnpike and plank road companies,
approved the twenty-sixth day of January, one thousand eight hun-
dred and forty-nine, which requires the sum of one dollar to be paid
by the subscribers of stock for each and every share of stock so sub-
scribed to the attending commissioners previous to or at the time of
subscribing, be and the same is hereby repealed so far as relates to
the Somerset and Johnstown plank road company, or subscriptions al-
ready taken, or to be taken, and that the said company shall have the
same legal remedy for the recovery of the amount of subscription of
stock to said company, as if such provision requiring the payment of
the sum of one dollar for each and every share of stock subscribed,
had not been required in the provisions aforesaid.

Preamble.

Commissioners
of Potter co. to
make a certain
deed.

SECTION 7. WHEREAS, the commissioners of Potter county having
sold a certain tract of land, the property of said county, situated in
Harison township, and there being no law to authorize the convey-
ance of said land; therefore, be it enacted that the commissioners of
the said county of Potter, or their successors in office, be and they are
hereby authorized and empowered to make and execute to the heirs
of John H. Rose, deceased, a good and sufficient deed of conveyance
for all the right, title and interest said county had in said land: *Pro-
vided*, All moneys due on said lands shall be paid into the county
treasury before the making of such deed of conveyance.

Rock Cabin coal
company, in-
crease of capi-
tal.

SECTION 8. That the shares of stock in the Rock Cabin coal com-
pany shall be five dollars, and that the capital be increased to five
hundred thousand dollars, anything in the act of incorporation to the
contrary notwithstanding.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred
and fifty-three.

WM. BIGLER.

No. 192.

AN ACT

To authorize the Harrisburg, Portsmouth, Mount Joy and Lancaster railroad company, to lay an additional track.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Harrisburg, Portsmouth, Mount Joy and Lancaster railroad company is hereby authorized to extend or widen the bed of said road, on either or both sides, at such points as may be deemed expedient by the directors, for the purpose of laying additional tracks or sidings thereon, not exceeding in the whole sixty feet in width, and in making such extension the company shall be subject to all the provisions relative to damages contained in the original charter of said company. Harrisburg, Portsmouth, Mount Joy, and Lancaster railroad company authorized to lay another track.

SECTION 2. That the president and directors of said company are hereby authorized to issue bonds in the corporate name and under the common seal of said company, payable at any period not exceeding thirty years from date, with interest coupons attached, payable semi-annually, at the rate of six per cent. per annum, the said bonds not to exceed in the aggregate one million of dollars, and to execute in the corporate name and under the common seal of said company, a mortgage to secure the payment of said bonds and interest, upon all or any part of the real and personal property of said company, the tolls and profits thereof, and to sell and dispose of said bonds to enable said company to construct a double track on the whole or any part of their road, as they may deem proper, and to pay off and discharge the mortgage debts of the said company which will become due in one thousand eight hundred and fifty-eight; and the said president and Directors are further authorized to issue additional stock in the said company, in lieu of the bonds hereby authorized, and to dispose of the said stock for the above purposes, as the interests of the company may require: *Provided,* That no bonds issued in pursuance of this act shall be for a less amount than one hundred dollars. May issue bonds. Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The second day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 193.

AN ACT

To authorize the Burgess and Town Council of the borough of Youngsville, in Warren county, to lay out and open streets, lanes and alleys in said borough ; to the Patent to a certain in-lot in the borough of Franklin ; to the borough of Muncy ; to the destruction of fish in any streams in the county of Pike ; and to incorporate the Kittanning Insurance company.

Duties of bur-
gess and town
council of the
borough of
Youngsville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Burgess and Town Council of the borough of Youngsville, in the county of Warren, shall have full power and authority, and they are hereby enjoined and required to lay out and open such additional streets, roads, lanes and alleys within said borough, as they shall from time to time deem necessary for the convenience and accommodation of the inhabitants of said borough : It shall be the duty of said Burgess and Town Council, within ten days after having laid out any street, road, lane or alley, and before the same shall be opened, to make or cause to be made a correct draft or plan thereof, and return such draft or plan to the office of the town clerk of said borough, and it shall be the duty of said clerk to receive, file and safely keep said draft or plan in his office, for public inspection and examination.

Meeting for
hearing of
parties dissatis-
fied with loca-
tion of streets,
&c.

SECTION 2. That any person dissatisfied with the location of any street, road, lane or alley, by the Burgess and Town Council, as aforesaid, may within twenty days after the filing of the draft or plan, and not afterwards, give notice to the town clerk of said borough of such dissatisfaction, and said clerk shall appoint a day, not more than eight days distant from the time of receiving such notice, for the meeting of said the Burgess and Town Council and person or persons giving such notice, at the office of said town clerk, or at some other convenient place within said borough, of which meeting the said Burgess and Town Council, or either of them, and the person or persons giving the notice, shall be informed by the town clerk, at least four days before the time of meeting, at which time and place said town clerk shall attend : It shall be the duty of said Burgess and Town Council, or one of them, to attend at the time appointed for said meeting, or as soon thereafter as shall be expedient ; the parties shall proceed to select three commissioners, to whom the matters in dispute shall be submitted ; the manner of selecting said commissioners shall be as follows : The Burgess, or either member of the Town Council, may name one disinterested person, not a citizen of said borough ; the person or persons dissatisfied may name one other disinterested person, not a citizen of said borough ; the Burgess or either member of the Town Council and the person or persons dissatisfied, as aforesaid, may mutually agree upon the third person : In case the parties shall be unable to agree upon such third person, the town clerk shall appoint a disinterested person, not a citizen of said borough, to act as such third person : The persons thus chosen or appointed commissioners, shall proceed with as little delay as possible to review the street, road, lane or alley, the location of which is complained of, and may confirm, alter or vacate the same ; said commissioners shall within six days after this review shall

have been completed, make a full report of their proceedings, in writing, to the town clerk of said borough, and it shall be the duty of said clerk to file and safely keep said report in his office for public inspection and examination; said report shall be final and conclusive in regard to said street, road, lane or alley, for the period of one year thereafter: The compensation to be allowed to commissioners shall be one dollar each per day.

SECTION 3. That if the location of said street, road, lane or alley, Pay of commis- or the part thereof complained of, is vacated by said commissioners, sioners. their day wages shall be paid by said borough; and if the location of said street, road, lane or alley, is confirmed by said commissioners, their day wages shall be paid by the person or persons who gave notice of dissatisfaction, who shall be individually or jointly liable to each commissioner individually for such day wages; in either case such day to be collected as debts of like amount are by law collectable.

SECTION 4. That the damages sustained by the owner or occupier of Damages, how any land by the reason of the opening of any street, lane, road or alley paid. in said borough, shall be paid by said borough: The manner of ascertaining said damages shall be as follows: The owner or occupier of lands who may consider him or herself injured by the opening of any such street, road, lane or alley, shall file with the town clerk of said borough a statement of the injury sustained, and of his or her intention to claim damages for the same, which statement, and all subsequent proceedings therein by the officers of said borough, shall be entered by said clerk upon the borough records; it shall be the duty of the said clerk within six days after receiving such statement, to notify the burgess or either member of the town council of the same; said burgess and town council shall within ten days after receiving such notice, examine into said claim, and if in their opinion, or in the opinion of a majority of them, such person hath sustained damage by reason of the opening of said street, road, lane or alley, they shall fix the amount, and give the applicant notice thereof, in writing; if the person so applying for redress shall be content to receive said amount as a full compensation for the damages complained of, he shall give notice of such willingness to the burgess and town council, whereupon said burgess shall draw his order on the treasurer of the borough in favor of said applicant for said amount; but in case said burgess and town council, or a majority of them, shall be of opinion that said applicant is not entitled to damages, or if said applicant shall not be willing to receive the amount fixed by said burgess and town council in full of his claim, said applicant may apply by petition to the court of quarter sessions of the county of Warren, setting forth the cause of complaint; thereupon said court shall appoint three disinterested persons to view the premises and assess the damages, if any, which such petitioner may have sustained by reason of the opening of said street, road, lane or alley, through his or her land.

SECTION 5. That the viewers so appointed, after being duly sworn Duties of by any person having power to administer oaths, or by one of their own viewers. number, who is hereby authorized to administer the same, well and truly to view said premises, and justly to assess the damages, shall proceed to perform said duty and make report thereof, signed by them, or a majority of them, to the next court of quarter sessions of said county, setting out the length, breadth, and the manner of the location of said street, road, lane or alley, through the petitioner's land, and the amount of damages, if any, which said petitioner hath sustained.

SECTION 6. That it shall be the duty of the said court, at the term Duties of court to which the report aforesaid is made, to make an order naming a day sions.

certain during the succeeding term of said court for the final hearing and disposition of said complaint, notice of which, together with a copy of the report of the reviewers aforesaid, shall be served upon the burgess and town council, or either of them, at least ten days before the day fixed for the hearing by the said court.

Examination of witnesses.

SECTION 7. That at the time of hearing said parties, said court may, as it shall deem proper, examine witnesses touching said matter, and may either approve of the report of said viewers, or lessen or increase the amount, as it shall be just, the whole proceedings to be entered of record, and the judgment of the court to have the same validity and to be enforced in the manner as a judgment entered upon the verdict of a jury: *Provided*, That if the petitioner shall not receive an amount greater than the sum offered by the burgess and town council, he shall pay all costs accruing on said petition, including the pay of the viewers, which shall be one dollar each per day; if the amount awarded said petitioner by said court shall exceed the amount offered by said burgess and town council, all costs, as aforesaid, shall be paid by said borough, the costs in either case to be the same as are fixed by law for similar services.

Proviso.

Surveyor General to issue a patent to P. T. Ridgeway.

SECTION 8. That the Surveyor General is hereby authorized and required to issue a patent to P. T. Ridgeway, of the borough of Franklin, in the county of Venango, for inlot number four hundred and seven in said borough, upon the same terms that inlot number four hundred and six in said borough was patented; *Provided*, That said P. T. Ridgeway has the legal title to said inlot number four hundred and seven.

Lines of the borough of Muncy extended.

SECTION 9. That the north lines of the borough of Muncy be extended as far as or opposite Glade Run bridge, on the Williamsport road.

Destruction of fish in streams in Pike co.

SECTION 10. That from and after the passage of this act, it shall not be lawful for any person or persons to take, catch or kill any trout in any of the streams or ponds within the county of Pike, by means of baskets, seines or nets, or by means of lime or other poisonous substances; any person or persons offending against the provisions of this section shall, upon conviction thereof, forfeit and pay a sum not less than ten nor more than twenty-five dollars, to be recovered as debts of a like amount are now by law recoverable, one-half of said amount to go to the use of the informer, who is hereby made a competent witness, and the other half to the use of the poor of the township wherein the offence is committed.

Corporators.

SECTION 11. That Robert Orr, H. N. Lee, J. E. Brown, A. Colwell, James Douglass, Robert Robinson, W. W. Hastings, Philip Meehling, John Groll, Thomas M'Connell, A. L. Robinson, A. J. Faulk, Joseph M'Cartney, J. Heickbold, C. B. Shatte, James M'Cullough, John A. Colwell, A. Arnold, James Mosgrove and J. Alexander Fulton, or any of them, and all other persons who may hereafter be associated with them in the manner hereinafter prescribed, and their successors, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name, style and title of "The Kittanning Insurance company," and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels, of whatsoever kind, and choses in action, and the same to sell and dispose of from time to time, and also to make and have a common seal, and the same to alter and renew at pleasure, and also to make and ordain, es-

Style.

Privileges.

establish and put in execution, such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the corporation, and for the management of its property and the regulation of its affairs, not being contrary to this charter or the laws of this Commonwealth or of the United States, and generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact for the well-being of said corporation.

SECTION 12. That any five or more of the above named persons are hereby constituted commissioners, who at any time within one year from the passage of this act may, upon two weeks' notice given in one or more newspapers printed in Kittanning, meet and receive subscriptions to the capital stock, and when the amount of twenty thousand dollars shall have been subscribed and ten per cent. paid in cash, it shall be lawful for the said subscribers or stockholders to hold an election for directors; said directors shall elect a president and secretary out of their own number, which shall constitute an organization. Commissioners and their duties.

SECTION 13. That the affairs of the company shall be managed by a board of seven directors, to be elected annually, four of whom shall constitute a quorum, and such officers and agents as they shall appoint; a president and secretary shall be elected annually by the directors, and all vacancies happening in any of said offices may be filled by the board for the remainder of the year for which they were elected; the board shall have power to declare by by-laws the time, place and manner of holding elections; in case of failure to elect the persons in office shall continue therein until an election is effected, which shall be had in reasonable time, and after at least two weeks public notice having been given; elections shall be by ballot, each share of stock having one vote when not exceeding ten shares, and each additional five shares one vote. Affairs of the company, how managed.

SECTION 14. That said corporation shall be authorized and empowered to take risks on the mutual plan, or otherwise, against fire, on all kinds of buildings, merchandise and other property, either limited or perpetual; *And further*, To effect marine and inland insurances on vessels, cargoes and freights, and on merchandise and other property transported on rivers, canals, lakes and railroads, and by boats, wagons, or otherwise; *And further*, Also to make insurance predicated on the lives of persons and animals, and to execute such agreements, policies and other instruments, as shall or may be necessary to effect the same. Taking of risks.

SECTION 15. That the capital stock of said corporation shall consist of one thousand shares, of fifty dollars each, to be paid in such instalments as the board of directors may determine, which said capital stock may at any time hereafter be increased by them, not exceeding ten thousand shares, of fifty dollars each, and if any subscriber, his or her assignees or transferees, shall refuse or neglect to pay the first or any subsequent instalment called for and demanded by the directors, as aforesaid, such subscribers, his or her assignee or transferee, shall forfeit each and every share on which the payment shall not be duly made on account of the share or shares so forfeited. Capital stock.

SECTION 16. That it shall and may be lawful for the said company to employ and invest their capital stock, and other moneys of the company, or entrusted to it, in bonds, notes, mortgages, ground rents, judgments, stocks and loans of the United States and State of Pennsylvania, and in other good securities, and to sell, transfer and change the same, and to reinvest the proceeds of such sale, transfer or change, in other such bonds, notes, mortgages, rents, judgments, stocks, loans, or other good securities, whenever the directors shall deem it expedient: Investment of the stock and other moneys.

said corporation shall not be authorized to engage in the business of banking.

Dividends.

SECTION 17. That the directors shall annually declare a dividend of so much of the profits, if any, of the corporation, as to them shall appear advisable, to be paid to the respective stockholders agreeably to such rules and regulations as the directors shall make for that purpose.

Statement.

SECTION 18. That the directors shall annually publish a full and accurate statement of the condition and affairs of the corporation.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 194.

AN ACT

Incorporating the West Kishacoquillas Valley turnpike road company; to elections in the borough of Lewistown; to the erection of a Lock-up house in the borough of Lewisburg, Union county; authorizing the school directors of said borough to sell real estate; to the Lewistown Water company; to the Lewistown Academy; to the real estate of William Barr, deceased; extending chancery powers to the courts of Common Pleas of Lycoming county; and to the Catawissa, Williamsport and Erie railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. William M. Fleming, Shem Zook, John Henry, William Cummins, Alexander Gibboney, Joseph Campbell, junior, E. Biglow, David Zook, William McClellan, Davis McK Contru, James Fleming, George Wilson, Yost King, James McDonald, John C. Wattson, and P. F. Kessler, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name, style and title of "The West Kishacoquillas Valley Turnpike road company," with power to construct a turnpike road from Brown's Mills, on the Kishacoquillas and Bellefonte turnpike, or Lewistown and Kishacoquillas turnpike, in Mifflin county, by the nearest and best routes, in the opinion of the directors, or a majority of them, as shall be for the interests of the company, to the village of Mill Creek, on the Pennsylvania canal and railroad, in Brady township, in Huntingdon county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto.

Style.

Location.

Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of Capital stock. fourteen hundred shares, at twenty-five dollars each : *Provided*, That *Proviso.* said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and carry out the true intent and meaning of this act, and that all persons subscribing stock shall, at the time of subscribing, pay to the commissioner to whom such subscription is made the sum of one dollar per share so subscribed, out of which shall be paid the expenses of taking such subscription and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, agreeable to the provisions of this act, such first payment on each share to be taken and considered as a part payment on each share subscribed, and that the said corporation shall be organized as soon as two hundred shares of the said stock be taken.

SECTION 3. That whenever said company shall have finished two Tolls. and a half miles or more of said road, they shall have power to erect gates and receive tolls, agreeable to the conditions and restrictions of sections twelve and thirteen of an act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

SECTION 4. That the work shall be commenced within two years Commencement after the passage of this act, and completed within ten years, but the and completion failure to complete the whole line within that time shall not work a of road. forfeiture of the parts which have been completed, so as to entitle the company to receive toll on them.

SECTION 5. That when in the opinion of the directors of this com- Place of com- pany sufficient stock is subscribed to place a part of said road under mencement. contract for construction, they shall commence at its eastern terminus on the Kishacoquillas and Bellefonte turnpike, or Lewistown and Kishacoquillas turnpike, and continue the same in a westerly direction to the village of Belleville or Allenville, as the amount of their subscription will justify, but not beyond this last point, unless those citizens residing within the limits of Brady township in Huntingdon county, should on their part subscribe stock sufficient to build said road through that township.

SECTION 6. That at the election for borough officers in March, one Borough of thousand eight hundred and fifty-four, the qualified voters of the bo- Lewistown to rough of Lewistown, in the county of Mifflin, shall elect three persons to elect three audi- as auditors, who shall decide by lot which of them shall hold the tors. office for one, two and three years, and thereafter the voters of said borough shall annually elect one person as auditor for three years : that so much of an act relating to the election of auditors in said borough as is hereby altered or supplied, be and the same is hereby repealed.

SECTION 7. That the town council of the borough of Lewisburg, Town council of Union county, be and they are hereby authorized to erect or have the borough of erected, a suitable building in the borough of Lewisburg, in said Lewisburg to county, to be used as a lock-up house or place of security for the tem- erect a lock- up house. porary detention of persons committed by justices of the peace, or by the burgess or assistant burgess acting in his place, for any violation of the laws of this Commonwealth, or of the ordinances of said borough, for which such person or persons could be lawfully committed to the common prison, there to remain and be kept until such offender can be conveniently conveyed to the county jail, or until he, she or they be discharged according to law : *Provided*, That no person or *Proviso.* persons shall be confined in said lock-up house at any one time for a longer period than twenty-four hours, except such person or persons

be charged with an indictable offence and it may be necessary to detain him, her or them, for legal examination.

Tax to defray expenses.

SECTION 8. That for the defraying of the expense of the erection of the said lock-up house, the town council may levy and collect a special tax equal to that which may be levied for county purposes in said borough.

County to pay costs for arresting persons.

SECTION 9. That the expenses of arresting, binding over or committing and keeping any such person or persons in said lock-up house, or conveying him, her or them to the common jail of the county aforesaid, on an indictable offence, shall be paid by the county of Union, on the presentation of proper accounts of the same to the commissioners of said county.

School directors to sell certain real estate.

SECTION 10. That the school directors of the Lewisburg school district are hereby empowered to sell at public sale, all the real estate now belonging thereto, and execute proper and sufficient deeds therefor, and invest the proceeds thereof in the purchasing of a lot and erecting a suitable building or buildings therein, for the use of said district for school purposes: *Provided*, That no sale shall take place unless at least three weeks notice of such intended sale shall have been given, in at least one newspaper published in the borough of Lewisburg.

Burgess and town council of Lewistown to elect a manager for Lewistown water company.

SECTION 11. That the burgess and town councils of the borough of Lewistown be and they are hereby authorized, at their meeting preceeding the election of managers of the Lewistown water company, to elect any qualified voter of said borough as a manager to represent the stock held by that borough in said company, which manager shall enjoy, have, hold and exercise, all the rights, privileges and powers in said board of managers, as if elected under the provisions of the act incorporating said company.

Stockholders to elect six managers.

SECTION 12. That the stockholders of the Lewistown water company shall hereafter elect six managers, who, with the manager elected by the burgess and town council of the borough of Lewistown, shall constitute the board of managers of said corporation; and so much of the act incorporating said company as is hereby altered or supplied, be and the same is hereby repealed.

Repeal.

SECTION 13. That so much of the several sections of the act entitled "An Act relating to certain school districts," passed the third day of April, one thousand eight hundred and fifty-two, as relates to the number of trustees of the Lewistown academy, be and the same is hereby repealed.

Benjamin Everhart to sell certain real estate.

SECTION 14. That Benjamin Everhart, of Harris township, Centre county, or in case of his refusal or inability to act, any person appointed by the orphans' court of the county aforesaid, be and he is hereby authorized and empowered to sell at public sale, and convey by deed or deeds, in fee simple, to the purchaser or purchasers, all the certain two tracts of land late the property of William Barr, deceased, situate in Harris township, Centre county, adjoining lands of George Boal, John Sparr, John Hasser, Robert Gohean, and others, containing one hundred and thirty acres, or thereabout, with the appurtenances, and divide the proceeds of said sale equally among the heirs and guardians of the minor children of said decedent, according to the true intent and meaning of the last will and testament of said deceased: *Provided*, That before any conveyance shall be made of the estate above mentioned, in pursuance of any sale made by virtue of this act, the said sale shall be approved by the orphans' court of Centre county; and the said Benjamin Everhart shall further give secu-

ity, to the satisfaction of said court, for the faithful application of the proceeds of said sale.

SECTION 15. That from and after the passage of this act, the chancery powers now vested in the courts of common pleas of the city and county of Philadelphia be and the same are hereby extended to the court of common pleas of Lycoming county. Chancery powers extended to Lycoming co.

SECTION 16. That the Catawissa, Williamsport and Erie railroad company, are hereby authorized to purchase and hold any number of acres of land said company may deem sufficient, for depots, wood yards and station houses, not exceeding fifteen acres at any one point; and the said company shall have the right to take and occupy as much land as may be necessary for slopes in excavations and embankments, in addition to the four rods in width granted in the charter of said company. Catawissa, Williamsport, and Erie railroad company to hold land.

SMITH SKINNER,
Speaker pro tem. of the House of Representatives.

THO. CARSON.
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 195.

AN ACT

To incorporate the Rosemont Cemetery company; relative to Judicial proceedings, assessments and jurors, in Columbia and Montour; to a certain State road; to the bounty upon fox scalps in Luzerne county; to hunting in certain counties; to elections for officers of the Lackawanna and Western, and Delaware, Lackawanna and Western railroad companies; to the Nescopeck Bridge company; authorizing the Wilkesbarre and Providence plank road company to borrow money; and relative to the estate of Samuel Davenport, deceased, of Luzerne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Funk, Joel Rudderow, William Weaver, D. J. Waller, Thomas Tannyhill, Peter Apleman, Daniel Snyder, Jesse Shannon, Jacob Eyer, Daniel Melick, and Erastus Barton, of Columbia county, together with such other persons as may become purchasers of lots for burial purposes within the tract of land to be set apart for cemetery purposes, be and hereby are made a body politic and corporate in law, under the name, style and title of "The Rosemont Cemetery company," and by that name shall be able and capable in law to use a common seal, to sue and be sued, to implead and be impleaded, and shall have perpetual succession, and may do all such things as are incident to such corporations. Corporators.

Style.

Affairs, how
conducted.

SECTION 2. That the affairs of said company shall be conducted by a board of eleven managers, to be elected annually by the lot-holders, on the first Monday of September, and in such elections each person shall be entitled to one vote for every lot he or she may own not exceeding four, and one vote for every three lots beyond four; the managers shall have power to purchase any lot or lots of land not exceeding ten acres in the whole, for the purpose of a cemetery, and to lay out and ornament the said tract of land, arrange and sell burial lots, and make such by-laws, rules and regulations, as they may deem necessary and proper for the protection of the cemetery and the business of the company: *Provided*, That the persons named in the first section of this act shall be managers until others shall be elected, and that in the event of any vacancy in the board, the managers may fill the same by the election of any lot-holder for the unexpired term, and that in case of an election not being held at the specified time, the managers in office shall hold their powers until an election shall be held, upon such notice as the by-laws may prescribe; five of the managers shall form a quorum.

Proviso.

No street, lane,
or alley to be
laid out through
grounds.

SECTION 3. That no street, lane or alley shall be hereafter laid out or opened through or upon the said tract of land occupied as a cemetery, without the consent of the lot-holders at an annual meeting, and the grounds of said cemetery company devoted to burial purposes shall be exempted from taxation, and the lots in said cemetery shall not be subject to attachment or execution: *Provided*, That the said exemption from attachment and execution shall not extend to more than four lots of the size originally laid out held by any one individual: *And provided further*, That nothing herein contained shall be so construed as to exempt the grounds of the said cemetery company from taxation for State purposes, or from such assessments or taxations as may be made by the managers for cemetery purposes.

Proviso.

Laws for the
protection of
cemeteries ex-
tended to this
company.

SECTION 4. That all laws of this Commonwealth now in existence protecting the grounds of any cemetery from trespass, or the tombstones or monuments, railings or fences, from mutilation or injury, shall be and the same hereby are extended to the cemetery company hereby incorporated.

Ejectments in
Columbia co.

SECTION 5. That all actions of ejectment relative to lands situate within the limits of the territory by the act of fifteenth of January, Anno Domini one thousand eight hundred and fifty-three, added and re-annexed to the county of Columbia, pending in the court of common pleas of Montour county at the time of the passage of said act, shall be proceeded in by the said court to final judgment in the same manner, and with the same effect, as if the said lands remained situate in the said county of Montour, and upon final judgment the records thereof, with a copy of the docket entries, may be removed to the court of common pleas of Columbia county for final execution.

Orphans' court
of Montour co.
to retain juris-
diction in cer-
tain cases.

SECTION 6. That the orphans' court of Montour county shall retain jurisdiction of all cases and proceedings in which jurisdiction had attached and proceedings had been instituted therein, prior to the passage of the said act of fifteenth January, Anno Domini one thousand eight hundred and fifty-three, affecting real estate situate within the limits of the territory aforesaid, and shall proceed to the final completion of such cases and proceedings as if the said real estate remained situate within the said county of Montour.

Sheriff's sales
and orphans'
courts sales
made valid in
Montour co.

SECTION 7. That all sheriff's sales, and orphan's court sales, made or confirmed since the passage of the said act, and other proceedings had and done in and by the several courts of the county of Montour, or by the officers of the said courts, affecting real estate or other pro-

perty situate within the territory aforesaid, by virtue of writs or orders issued out of or granted by any of the said courts prior to the passage of the said act, when duly confirmed and approved by the said courts, shall be as valid and effectual, to all intents and purposes, as if the said real estate and property remained situate in the said county of Montour, and all such sales and proceedings not yet fully perfected and confirmed, may be proceeded in, and action therein concluded by the said courts.

SECTION 8. That the commissioners of Montour county are hereby authorized and directed to deliver to the commissioners of Columbia county the book or books containing the last triennial assessment for Scott township, now in Columbia county, but heretofore in Montour, together with all papers connected therewith, and shall also cause, without delay, correct copies of so much of said last triennial assessment for the townships of Franklin, West Hemlock and Madison, as relates to property situate in those portions of said townships annexed to Columbia county by the act of fifteenth of January of the present year, to be made and delivered to the commissioners of Columbia county, and the reasonable expense of making such copies shall be paid by the said county of Columbia, and the commissioners of the last named county shall proceed to have the assessment and collection of taxes in the several districts added to said county by the act aforesaid, made and done in the same manner as if the said last triennial assessment had been duly taken within and under the direction of the authorities of the said county of Columbia.

SECTION 9. That the sheriff and commissioners of Columbia county are hereby authorized and directed to open the wheel wherein the names of persons to serve as jurors for the present year in the several courts of said county are contained, at any time before the drawing of jurors so serve in the month of September next, and place therein, in the manner provided by existing laws for the annual filling of said wheel, the names of forty-five persons qualified to serve as jurors and resident within the limits of the territory added and re-annexed to said county of Columbia by the act entitled "An Act relating to the boundary line between the counties of Columbia and Montour," approved the fifteenth day of January, Anno Domini one thousand eight hundred and fifty-three, to wit: twenty such persons resident in the township of Scott; fifteen resident in the township of Madison; and ten resident in the township of Franklin; and all drawings of jurors, and other proceedings consequent thereon or connected therewith, shall thereafter be the same, and be as valid, as if the names of said persons had been theretofore placed in the said jury wheel in due course of law, and all such persons whose names are so placed in the said wheel shall be held qualified to serve, upon being drawn as jurors, in the several courts of the said county of Columbia.

SECTION 10. That John Koons and William S. Monroe, of Luzerne county, and Benjamin Hayman, of Columbia county, are hereby appointed commissioners to run, lay out and locate a state road, commencing at or near the Shickshinny Gap, in Luzerne county, and extending by the most eligible route to any point within one mile of the residence of James N. Jones, in Fishing creek township, Columbia county, so as to connect with some road leading in a westwardly direction from such point of termination; and they are further authorized to mark the line of such road, and make drafts or plots thereof, to be filed in the courts of quarter sessions of the said counties of Luzerne and Columbia, and in the office of the Secretary of the Commonwealth, respectively; and the said commissioners shall each receive the sum

Commissioners of Montour co. to deliver to commissioners of Columbia co. certain books.

Duties of sheriff and commissioners of Columbia relative to jurors.

Commissioners.

Location.

Drafts to be made out and filed.

of two dollars per day for their services, one-fourth thereof to be paid by the county of Columbia and three-fourths by the county of Luzerne, and such road, upon being laid out and located as aforesaid, (if the said commissioners shall judge the same necessary) shall be opened and kept in repair as other public roads are opened and kept in repair by law.

Bounty on fox
scalps in Lu-
zerne co.

Proviso.

SECTION 11. That the provisions of the second section of the act of fifteenth March, eighteen hundred and forty-eight, entitled "An Act relative to the bounty on Fox scalps in the counties of Dauphin, Westmoreland, Chester, Monroe and Lehigh, be and the same are hereby extended to the county of Luzerne: *Provided however*, That the bounty in said county of Luzerne shall be for the scalp of a full grown fox fifty cents, and for those not full grown the sum of twenty-five cents.

Elections for
officers of Lack-
awanna and
Western rail-
road co. made
valid.

SECTION 12. That all elections heretofore held for officers of the Lackawanna and Western railroad company, and all official acts and proceedings of said company, or of the officers thereof, heretofore had and done, are hereby made and declared to be valid and effectual, as fully and amply as if the act entitled "An act relating to certain corporations," approved the thirteenth day of March, Anno Domini eighteen hundred and forty-seven, had never been enacted; and all and singular, the provisions, conditions and regulations of the said act shall not hereafter apply to or affect the Delaware, Lackawanna and Western railroad company.

Nescopeck
bridge company,
when to hold
elections.

SECTION 13. That the president, managers and company for erecting a bridge over the Susquehanna river at the falls of Nescopeck, and commonly known by the name of the Nescopeck bridge company, shall hereafter hold their annual elections upon the last Saturday in March instead of the first Monday of May, as heretofore provided.

Wilkesbarre
and Providence
plank road com-
pany to increase
grade of road.

SECTION 14. That the Wilkesbarre and Providence plank road company, organized under an act approved the fifteenth day of April, one thousand eight hundred and fifty-one, shall have the right to increase the grade on the unfinished portion of their road to an elevation of five degrees, if it shall be necessary so to do, and said company are hereby authorized to borrow money, to an amount not exceeding twenty-five thousand dollars, to complete said road, and to issue their bonds therefor, to be signed by the president and treasurer, in amounts not less than one hundred dollars each, bearing an interest not exceeding seven per centum per annum.

People of Co-
lumbia, Lu-
zerne, and Sulli-
van may pursue
foxes with dogs.

SECTION 15. That it shall be lawful to pursue foxes and other wild animals with dogs in the counties of Columbia, Luzerne and Sullivan, and any person shooting or otherwise injuring any dog while so engaged in such chase, shall be liable to pay a penalty of twenty dollars to the owner of such dog, to be recovered as debts of a like amount are by law recoverable, and that any fox or other wild animal captured, or about being captured, by such chase, shall belong to, or when taken by another person causelessly interfering in such chase, be held to belong to the owner of such dog or dogs, in case such owner shall follow the said chase with reasonable diligence, and without unnecessary interruption or delay: *Provided*, That any person engaged in hunting, as aforesaid, shall be liable for any damage committed by his dogs in killing sheep or materially injuring enclosures: *And provided further*, That nothing herein contained shall authorize any violation of any law heretofore enacted for the protection of game during certain months of the year, in the counties above named.

Estate of Sam-
uel Davenport.

SECTION 16. That it shall and may be lawful for Henderson Gaylord, administrator of all and singular the goods and chattels, rights and

credits which were of Samuel Davenport, late of Plymouth, Luzerne county, deceased, to grant, bargain, sell and convey, such parts and portions of the real estate of said decedent as may be in his opinion needful to pay debts and educate the minor children of the decedent, or such parts and portions of said real estate as in the opinion of said administrator it would be advantageous to the estate of said decedent to have sold, and the said administrator is hereby authorized to sell at public or private sale; but before any such sale vests title in the vendee, the terms and conditions of said sale shall be reported to the orphans court of said county, and shall be accompanied by the assent, in writing, to such sale, of the widow of said decedent, and the guardian of the minor children of said decedent, and if on report, the said court shall approve any such sale, then and in such case the said court shall order such report to be filed and approved, and a bond to be filed, with like condition as is prescribed when an administrator is authorized to sell real estate for the payment of debts, under an order of the orphans' court, and in such amount and with such security as the said court shall order and direct; any sale or sales having been reported with the written assent as aforesaid, approved by the court, and bond given and approved, the said court shall thereupon confirm the sale absolutely, and then the said administrator shall have power to convey the lands so reported to be sold, and all such estate and title as the intestate had therein at and immediately before his death:

And Whereas, The said decedent in his life time made many sales *Preamble.* in writing and parol; in some cases the purchase money has been in part or mostly paid, in some wholly paid, in some instances none has been paid:

SECTION 17. That the said administrator is hereby authorized to report such sales to said court, with a statement of amount of purchase money due, and which report, having the assent in writing of said widow and guardian, if the said court shall approve the said report, thereupon a like order as aforesaid shall be made as to bond and security for any of said purchase money that may yet be due, and upon the filing of said bond, with security where purchase money is yet due, the said court shall thereupon order a deed to be made by the said administrator to the purchaser, and the said administrator shall then have power to convey to the purchaser all such estate and title as the intestate had at and immediately before his death in and to the lands purchased: *Provided,* That the said administrator, whether in making or reporting sales, shall have the power to give time for payment of purchase money in part, and where he shall secure by judgment lien any unpaid balance of purchase money on the land conveyed and shall keep the same a lien, he shall not be answerable for any monies that cannot be collected and do not come to his hands. *Administrator to make report to court.* *Proviso.*

SMITH SKINNER,

Speaker pro tem of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The second day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 196.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Lancaster, Lebanon and Pine Grove railroad company," approved the twenty-eighth day of March, one thousand eight hundred and forty-six.

Lancaster, Lebanon and Pine Grove railroad co. to extend their road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That it shall be lawful for the Lancaster, Lebanon and Pine Grove railroad company, to extend their road from a point in Berks county, at or near Morgantown, and thence through or near Phoenixville, in Chester county, to the city or districts of Philadelphia, subject to the general regulations and privileges contained in the eleventh section of the act incorporating said company, and shall have power to connect their said railroad with any railroad belonging to any other company in the route of the same, and that said company may from time to time, by a vote of the stockholders, at a meeting called for the purpose, increase their capital stock if it shall be deemed necessary, to an amount not exceeding forty thousand shares, of fifty dollars each, and that the said company be and are hereby authorized to pay the shareholders entitled to receive the same, in the months of May and November of each year, interest at the rate of six per centum on all instalments paid, and continue to pay interest upon the same until said railroad, branches, or laterals, shall be completed, and that all the profits and earnings of said railroad shall be credited to and all interest thus paid shall be charged to the cost of construction: *Provided,* That interest shall not be paid upon any shares of stock upon which any instalments has become due and remain unpaid, and also that the provisions of the tenth section of the original act be and the same is hereby repealed.

Quorum.

SECTION 2. That five members of said board shall constitute a quorum to transact business, instead of three, as provided in the original act to which this is a supplement.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

We do certify that the bill entitled "A supplement to an act entitled 'An Act to incorporate the Lancaster, Lebanon and Pine Grove railroad company,'" approved twenty-eighth March, A. D., eighteen hundred and forty-six, was presented to the Governor on the seventeenth day of March, one thousand eight hundred and fifty-three, and was not returned within ten days (Sundays excepted) after it had been presented to him, wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed it.

WM. JACK,
Clerk of the House of Representatives.

JOHN M. SULLIVAN,
Clerk of the Senate.

HARRISBURG, April 5th, 1853.

No. 197.

AN ACT

To incorporate the Blockley and Merriion Turnpike or Plank road company; relative to the Philadelphia, Germantown and Norristown Railroad company; to the paving of side-walks in the unincorporated Northern Liberties and North Penn; and to paving of Sutherland Avenue in Moyamensing, Philadelphia county; to certain election districts; to the borough of Blockley, Philadelphia county; and to the Justice Docket of L. P. Stafford, of Bradford county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Owen Jones, Jacob Stadelman, James McGee, Michael McGee, Thomas G. Lodge, John Waynwright, John Hansell, David Morgan, Jesse Shlater, Henry Hoppen, Paul Jones, Paul Hoffman, Jesse George, Isaac Heston, Reese Price, Louis Wister, Edmond George, David George, Joseph Lentz, Samuel Martin, David Rhoads, and such others as may hereafter become associated with them, are hereby declared to be a body politic and corporate, in deed and in law, by the name, style and title of the "Blockley and Merriion Turnpike and Plank road company," and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation, and capable of holding their capital stock and the increase and profits thereof, and of enlarging the same, in such manner as they may think proper, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring, conveying, in fee simple or for any lesser estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing every other matter or thing which a corporation or body politic may lawfully do.

SECTION 2. That the capital stock shall consist of one thousand shares, of twenty-five dollars per share: *Provided*, That said company may by a vote of a majority of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, agreeably to the true intent and meaning of this act.

SECTION 3. That the said company shall have power to construct a plank or stone road, commencing at or near the three mile stone on the Lancaster turnpike in the county of Philadelphia, and terminating at or between the junction of Whiteman's lane on the old Lancaster road with said turnpike, in the county of Montgomery, by such route as they shall consider will be best and most practicable, and shall have power to lay the track of the same on the bed of the old Lancaster road, or any other roads, or on the grounds contiguous to said roads, as the managers may deem most expedient, and shall be subject to all the provisions and restrictions of an act of Assembly regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, excepting so much of said acts as are hereby altered or supplied: *Provided*, That the said company shall have power to open said road to any width not exceeding sixty feet, at such time or times

Proviso.

as said company may think it necessary so to do: *And provided further*, That whenever private property shall be required to construct said road upon, the managers shall give notice of their intentions to use the same to the owners or occupiers of said lands, and make amends for the damages, upon a reasonable agreement by the parties, and if they cannot agree, then a just and equitable assessment to be made upon oath or affirmation by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace who shall not be interested therein, and upon the tender of the assessed value it may be lawful for said company to enter upon and occupy said lands.

Election of officers.

SECTION 4. That whenever two hundred shares shall be subscribed, of twenty-five dollars each, any three stockholders may call a meeting, by putting up written or printed notices in at least six of the most public places along said contemplated road, that on a day certain, and less than six days from the putting up of said notices, for the election of one president, twelve managers, and one treasurer, all of whom shall be stockholders, and shall be elected by a majority of votes of the stockholders convened at that meeting, or any subsequent meeting for the election of officers of said company, and shall hold their office for the term of one year, or until their successors shall be elected: *Provided*, That at any meeting of the managers seven members shall constitute a quorum for the transaction of business.

Examination and view of road.

SECTION 5. That when the said company shall have completed one or more miles of their road, they shall give notice to the court of quarter sessions of the city and county of Philadelphia, who shall thereupon forthwith nominate and appoint three skillful, judicious and disinterested persons to view and examine the same, and make report, in writing, to the president judge of said court, whether said road is so far completed in a competent and workmanlike manner, according to the true intent of this act, and if their report shall in either case be in the affirmative, then said court shall, by license, under the seal of said court, permit and suffer said company to erect such and so many gates upon and across said road as will be necessary to collect the toll and duties hereinafter granted to said company, from all persons traveling on the same otherwise than on foot, that is to say:—for every horse and his rider, or led horse or mule, or driven mules, one-half of one cent per mile; for every sulkey, chair, coach, cart, wagon, sleigh, sled, or any other vehicle or carriage of pleasure or burden, under whatever name it may go, one cent per mile; for each horse, mule or ox drawing the same, without respect to the number or width of the wheels, and for all fractional parts of toll not equal in value to any denomination of coin in circulation, the said company may take and receive the next highest denomination, and it shall be lawful for the said company to erect within the limits of their road at each of their gates, a toll house or dwelling house for the use and accommodation of the toll collector at such gate.

Tolls.

Authority to borrow money.

SECTION 6. That the board of commissioners or supervisors of high-ways of the townships through which said turnpike or plank road shall pass shall, in addition to the powers vested in them by an act of Assembly approved April fifth, one thousand eight hundred and forty-two, authorizing subscriptions to turnpike roads on behalf of townships through which said roads may pass, be authorized and empowered to borrow money on the credit of said townships to pay the instalments on the stock so subscribed, and to issue certificates for the same, bearing an interest not exceeding six per centum per annum, and re-

imbursable at any time not exceeding ten years, which certificates shall be binding on said townships.

SECTION 7. That if said company shall not commence the construction of their road within three years after the passage of this act, or shall not within five years thereafter complete at least three miles of said road, according to the true intent and meaning of this act, then and in either case, all and singular the rights and privileges hereby granted to said company shall revert to this Commonwealth.

SECTION 8. That the Philadelphia, Germantown and Norristown railroad company shall, within three months from the time the town council of the borough of Norristown, in the county of Montgomery, shall have given the president of the said company written notice to that effect, raise the track and bed of their road along Washington street, in the said borough, to such height as the said council shall by resolution order and prescribe, and in case the said company shall fail to comply with such notice, the town council of the said borough may at any time thereafter proceed to raise the same to the height provided in the said resolution, and all expenses, costs and charges incurred by the said council in the execution of the work, or any part of it, shall be recoverable at law against the said company, in the name of and for the use of the said borough.

SECTION 9. That from and after the passage of this act, the supervisors of the townships of Unincorporated Northern Liberties and North Penn, in the county of Philadelphia, are hereby authorized and required to grade and flag all the public roads under their supervision where they cross the sidewalks, on the Germantown and Perkiomen turnpike road, in their respective districts.

SECTION 10. That property owners adjoining and using any private road, lane or alley, crossing the aforesaid sidewalks, and not under the care of the supervisors aforesaid, are hereby required to grade and flag the same within thirty days after the passage of this act.

SECTION 11. That the aforesaid supervisors are hereby authorized and required to make such water-courses along the roads under their supervision as shall be necessary to carry the water away from the sidewalks aforesaid.

SECTION 12. That the commissioners of the District of Moyamensing shall have full power to pave or cause to be paved, Southerland avenue from Cedar street to the north side of the U. S. Arsenal, and to charge the expenses thereof to the owners of property fronting thereon, according to the existing laws authorizing the paving of streets and alleys within the district of Moyamensing.

SECTION 13. That from and after the passage of this act it shall be and is hereby lawful to hold the township and general election in the township of Karthouse, Clearfield county, at the house of B. D. Hall and company, at Salt Liek, in said township.

SECTION 14. That in any suit hereafter brought by the township of Blockley for any claim or demand of the township of Blockley against the late borough of West Philadelphia, out of any matter or thing which did arise between the said township and the said late borough, after the incorporation of the said late borough by the court of quarter sessions of the county of Philadelphia, and before the quashing by the supreme court of this Commonwealth of the proceedings of the said court of quarter sessions for the county of Philadelphia for incorporating the said borough, the said township of Blockley be and is hereby authorized to proceed at law and in equity against the borough of West Philadelphia, incorporated by the act to which this is a supplement, passed the seventeenth day of February, one thousand eight hundred

and forty-four, with like effect in all respects as the said township might or could have procured against the said late borough had the proceedings and decree for incorporating the same of the said court of quarter sessions not been quashed as aforesaid, and had the said late borough continued in full existence under the said proceedings and decree of the said court of quarter sessions for incorporating the same.

Suits to be commenced in six years.

SECTION 15. That any such proceeding at law or in equity by the said township of Blockley against the said borough of West Philadelphia, shall be commenced and sued within six years next after the passage of this act, and not after.

Greenwich tp., Berks co.

SECTION 16. That hereafter the qualified voters of Greenwich township, Berks county, shall hold their general, special and township elections at the public house now occupied by Henry P. Dietrich, at Klinesville, in said township.

Judgments on docket of L. P. Salford, how supplied.

SECTION 17. That it shall be lawful for all persons who had unsatisfied judgments, demands, or unfinished proceedings, on the docket of L. P. Salford, late a justice of the peace of Wyalusing township, Bradford county, at the time said justices office and dockets were destroyed by fire, to collect, recover and perfect the same, in the same manner that the citizens of Erie city are authorized to do by the first, second, third and fourth sections of an act entitled "An Act to reinstate certain judgments on the docket of R. O. Hulbert, late a justice of the peace in Erie county, and George Kellogg, Esquire, an acting justice in and for said county, which dockets were destroyed by fire; and annexing the property of John Woodward, of Milford township, to the township of Beale, in Juniata county," approved the _____ day of March, one thousand eight hundred and fifty-three: *Provided*, That the citizens of said county of Bradford shall make the applications and affidavit required by the first section of said act, before any justice of the peace in said township of Wyalusing, and appeals from the judgment of said justices may be taken to the court of common pleas of said county of Bradford, upon the same terms and conditions as in other cases of appeals from the judgment of justices of the peace.

Proviso.

Wyalusing tp., Bradford co.

SECTION 18. That from and after the passage of this act the township elections for the township of Wyalusing, in the county of Bradford, shall be held at the house now occupied by John Fisher, in said township.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 198.

AN ACT

To authorize mortgages of Coal Leases in Schuylkill county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That every tenant of the right to mine coal, or lessee of coal lands or coal mining rights in or on the lands of others, in Schuylkill county, may mortgage their interests in such rights or property demised, together with all machinery and fixtures appurtenant or belonging thereto, or used in the enjoyment of the same, so as to be good and available in law against all subsequent purchasers or execution creditors upon the recording of such mortgages, as hereinafter directed: *Provided,* That this act shall not interfere with the rights of the owners of the fee simple to recover the amount of rent due them.

SECTION 2. That the instruments mentioned in the preceeding section shall be recorded in the county of Schuylkill, within five days after the execution of the same, and in the office of the recorder of deeds of such county, and such recorder is hereby required to record the same at length, in a book to be by him kept in his said office, to be provided at the expense of said county, and to be called coal lease mortgage book, and shall duly certify the record of all such instruments, under his hand and official seal thereon.

SECTION 3. That every mortgage filed and recorded in pursuance of this act, shall cease to be valid as against the creditors of the person making the same, or against subsequent purchasers or mortgagees in good faith, after the expiration of one year from the recording thereof, unless within the said term of one year a true copy of such mortgage, together with a statement exhibiting the interest of the mortgagee in the property thereby claimed by him by virtue thereof, shall be filed in the office of the recorder aforesaid, and it shall be the duty of the recorder receiving such copy and statement to file and endorse thereon the time of receiving the same, and also to note the filing and the date of the filing thereof, and likewise the interest aforesaid claimed in such statement, upon the record of the said mortgage.

SECTION 4. That a copy of the record of any such original instrument, or of any copy thereof, so filed as aforesaid, including any statement made in pursuance of this act, certified by the recorder, shall be received in evidence, but only of the fact that such instrument or copy and statement was received and filed according to the endorsement of the recorder thereon, and of no other fact, and in all cases the original endorsement by the recorder, made in pursuance of this act upon such instrument or copy, shall be received in evidence only of the facts stated in such endorsement.

SECTION 5. That the record of any such original instrument, including any note or notes made by the recorder upon the record, in pursuance of this act, or a copy thereof, certified by the recorder, shall be received in evidence, but only when the original instrument and the copy or copies thereof filed shall all be lost, and then only of the fact that such instrument or copy and statement, or copies and statements,

if there be more than one, was or were recorded and filed according to the endorsement of the recorder thereon, and of no other fact, and in all cases the acknowledgment by the person making the original instrument of the execution thereof, or the certificate of such acknowledgment, shall be received in evidence only of the fact that such person duly executed said instrument, and of no other fact.

Instrument to
be duly acknow-
ledged before
being recorded.

SECTION 6. That the recorder of deeds of the said county shall not receive any such original instrument to record unless the same shall have been first duly acknowledged by the mortgagor, so as to entitle the same to be recorded, nor a copy thereof, with statement annexed as aforesaid, to file, unless such statement shall have been first duly verified by the oath or affirmation of the mortgagee, and such recorder shall number on the back every such instrument or copy which shall be filed in his office, in the order in which the same shall be received by him during each year, and he shall, at the expense of the county, procure suitable books, and enter therein alphabetically the names of all the parties to such instrument, with the number endorsed thereon opposite to each name, which entry shall be repeated alphabetically under the name of every party thereto.

Fees of re-
corder.

SECTION 7. That for services under this act the said recorder shall be entitled to receive the following fees: For filing each copy six cents; for entering the same in a book, as aforesaid, six cents for every party to such instrument; for recording the same, including the certificate thereof, one cent for every ten words; for making note of copy and statement on the record six cents; for entering satisfaction on the record six cents; for searching for each paper six cents; and for certified copies of the record, and of such instruments or copies thereof and statements, including certificate and seal, one cent for every ten words.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 199.

A FURTHER SUPPLEMENT

To the act entitled "An Act to incorporate the Lebanon Valley railroad company," approved April first, one thousand eight hundred and thirty-six.

Increase of
capital stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the capital stock of the Lebanon Valley railroad company be and the same is hereby increased to thirty thousand shares, of the par value of fifty dollars each, to be subscribed under and in accordance with the provisions of the act to which this is a supplement, and also that the*

directors of said company be and they are hereby authorized to borrow such sum of money as they may deem necessary for the completion and equipment of said road, not exceeding one million of dollars, and issue therefor the bonds of the said company, secured by mortgage upon the said road: *Provided*, That such bonds shall not be for sums less than one thousand dollars, nor at a greater rate of interest than seven per cent. per annum, and may be convertible into stock at par, if such course be deemed advantageous to said company. Proviso.

SECTION 2. That it shall be lawful for the corporate authorities of the city of Reading, the county of Lebanon, and the borough of Lebanon, to subscribe for shares in the capital stock of the Lebanon Valley railroad company, not exceeding six thousand shares for the city of Reading, and four thousand for the county of Lebanon, and two thousand shares for the borough of Lebanon, to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed; the certificate of loan or bonds which may be issued by the said corporation bearing an interest of six per cent. per annum, payable half yearly, may be received as cash by the said Lebanon Valley railroad company in payment of any part or the whole amount of the shares subscribed by the corporation issuing said certificates or bonds, and any corporation holding shares of stock may be represented at elections and meetings of the said company by agents, duly authorized by and acting under resolutions passed by the constituted authority thereof: *Provided*, That any corporation which shall be possessed of four thousand shares or more in the capital stock of said company, shall, in lieu of voting at the general election of the said company, elect by the constituted authorities thereof one director for each four thousand shares so held by the said corporation; and any two or more corporations which shall together hold four thousand shares of said stock, may unite and elect one director, as aforesaid, which director shall be in addition to the number authorized by the act to which this is a supplement: *And provided further*, That no certificate of such loans shall be issued for a less sum than one hundred dollars. City of Reading and Lebanon county to subscribe to capital stock.

SECTION 3. That in case the constituted or corporate authorities of the city of Reading, the county of Lebanon, or the borough of Lebanon, shall propose to subscribe to the capital stock of the Lebanon Valley railroad company, as aforesaid, it shall be their duty to fix upon a time for holding the election hereby authorized, giving at least four weeks' public notice thereof, in two or more newspapers published in the limits of the district in which it is proposed to make such subscription, which notice shall also state the number of the shares proposed to be subscribed, and the qualified voters at such election shall vote a written or printed ticket containing the words "for the subscription," or "against the subscription," and if upon counting the votes it shall appear that a majority of the votes polled are in favour of the subscription aforesaid, then and in that case the same shall be made, and shall be valid and binding upon the proper district, but if the majority of the votes polled shall be against the subscription, then the same shall not be made: *Provided*, That the election authorized by this act shall be held at the same places, in the same manner, by the same officers, and subject to the same regulations and penalties prescribed by law for holding and conducting the general elections of this Commonwealth, except as hereby altered. Notice of election.

SECTION 4. That the president and managers of the Lebanon Valley railroad company be and they are hereby authorized to pay to shareholders entitled to the same, in the months of January and July of Form of tickets.

President and managers to pay stockholders interest.

each year, interest at the rate of six per cent. per annum on all instalments paid by them after the passage of this act, and continue to pay the same until the road shall be completed; all the profits or earnings of the said railroad within the same time shall be credited to the cost of construction, and all interest paid shall be charged to the same: *Provided*, That interest shall not be paid upon any share of stock upon which any instalment which has been called on remains unpaid: *And provided further*, That the stock of the said company shall not be subject to any tax in consequence of the payment of the interest hereby authorized, nor until the net earnings of the company shall realize at least six per cent. per annum upon the capital invested.

Proviso.

Proviso.

Ratio of votes.

SECTION 5. That at elections of the said company each stockholder shall be entitled to one vote for each share of stock which he may hold at the time of such election, and absent stockholders may vote by proxy, dated not less than three days before such election, but no stockholder, females excepted, residing within one mile of the place at which such election is held, shall vote by proxy, nor shall any person vote as proxy for more than two absent stockholders: *Provided*, That no one stockholder shall be entitled to cast more than one-third of the entire number of votes which can be polled at any such election.

Additional commissioners.

SECTION 6. That John Tucker, Henry J. Biddle, Diller Luther, and George N. Eckert, of the city of Philadelphia, M. S. Richards, H. H. Muhlenberg, Isaac Eckert, David F. Gordon, William Strong, G. A. Nicols, Henry A. Muhlenberg, Henry P. Robeson, William H. Keim, David McKnight, and John McManus, of the county of Berks, John Weidman, Simeon Guilford, Robert Coleman, John W. Killinger, and John W. Ulrick, of the county of Lebanon, and James McCormick, Philip Dougherty, and John C. Kunkel, of the county of Dauphin, shall be additional commissioners, with the same powers and duties as those granted to the commissioners originally named.

Repeal.

SECTION 7. That so much of any act of Assembly as conflicts or is inconsistent with the provisions of this act, be and the same is hereby repealed.

Taxes upon freight and passengers, when to take effect.

SECTION 8. That the taxes provided for upon freights and passengers which shall pass over the Lebanon valley railroad shall not take effect until the Legislature shall hereafter pass an act directing such tax to be collected and paid into the State Treasury, and the twelfth section of the act entitled "An Act to incorporate the Western Insurance company; relative to a tax on the Lebanon valley railroad; to taxation and exempt property; to affidavits of defence in the common pleas of Schuylkill county; and relating to the claim of Henry L. Patterson;" approved the fourteenth day of April, one thousand eight hundred and fifty-one, shall be construed as only reserving the right to levy hereafter such tax.

Branch railroad.

SECTION 9. That it shall be lawful for the said Lebanon valley railroad company to construct and use a branch railroad from the borough of Lebanon to a point at or near Cornwall in the county of Lebanon.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 260.

AN ACT

Authorizing the Governor to incorporate the Strasburg and Lancaster, New Providence and Unicorn turnpike road company; authorizing the Jersey Shore bridge company to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jacob Neff, John F. Herr, Henry H. Breneman, John Peoples, Samuel Keneagy, George W. Hensel, Benjamin Musser, Martin M. Rohrer, Daniel Lefevre, A. Scott Ewing, Samuel Maxwell, John N. Russell, Stephen J. Hamilton, George Morrison, and C. M. Hess, are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The Strasburg and Lancaster, New Providence and Unicorn Turnpike road company," with power to construct a turnpike road from the south side of the Philadelphia and Lancaster turnpike, near Henry Miller's (formerly Ferree's) tavern, along the road from said turnpike to the borough of Strasburg, and from thence through said borough, by way of New Providence, Camargo, Quarryville and Mechanics' Grove, to a point in the road at or near the house now or formerly known as the Unicorn tavern, in Drumore township, over and on any road now opened or laid out, or which may be opened or laid out at the time the said company may be ready to begin the construction of any part of the said road, subject to all the provisions and restrictions of the act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

Commissioners.

Style.

Location.

Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of two thousand four hundred shares, at twenty-five dollars a share: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as may be necessary in their opinion to carry out the true intent and meaning of this act.

Capital stock. Proviso.

SECTION 3. That the president and managers of the said corporation are hereby authorized to change the location of any of the roads on which this turnpike may be constructed, whenever such change may in their opinion be required to keep the said turnpike road within the rise and fall prescribed by the aforesaid act of Assembly, or whenever such change of location will materially shorten the distance between any of the aforesaid points, the said company to pay all damages sustained by the landholders by reason of such change of location, to be fixed and determined as provided for in the aforesaid act of Assembly in respect to damages occasioned by reason of the construction of turnpike roads.

Power to change location of roads.

SECTION 4. That whenever the said company shall have finished the said turnpike road from the Lancaster and Philadelphia turnpike to Strasburg, or from Strasburg to New Providence, or from New Providence to Quarryville, or from Quarryville to the Unicorn, though the distance between any of the said points may be less than five miles, the same proceedings may be had to enable the company to erect and

Tolls.

fix gates upon and across the same and to collect tolls, as is provided in the act of Assembly aforesaid in relation to any finished five miles of a turnpike road.

Commencement and completion of road.

SECTION 5. That the said company shall commence the said road within three years and finish it within ten years, and failing to do so the provisions of this act shall be null and void.

Authority to Jersey Shore bridge company to borrow money.

SECTION 6. That the president and managers of the Jersey Shore bridge company are hereby authorized to borrow any sum or sums of money not exceeding five thousand dollars, on the credit of said company, for the purpose of re-building that portion of said bridge taken away by high water in February last, pledging the tolls of said bridge in payment thereof.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 201.

A SUPPLEMENT

To the act incorporating the Gettysburg railroad company.

Extension of Gettysburg railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Gettysburg railroad company be and they are hereby authorized to extend their road westward from the town of Gettysburg to a point at or near the town of Waynesboro', in the county of Franklin, thence to the State line at or near the town of Middleburg, in the county of Franklin, and that for said purpose they shall have all the powers and be subject to the provisions and restrictions prescribed by an act regulating railroad companies, approved the nineteenth day of February, one thousand eight hundred and forty-nine.

To use the Gettysburg extension.
Proviso.

SECTION 2. That the said company are hereby authorized and empowered to enter upon, occupy, appropriate, and use the site, structure, and unfinished work of the Gettysburg extension of the Pennsylvania railroad: *Provided*, That the Commonwealth shall not hereafter be subject to any charges, liability, or expense, for or on account of the further construction or completion of the said extension: *Provided, also*, That said company release all right that they may have under their present charter to construct a railroad from Gettysburg to Hanover.

Proviso.

Further powers.

SECTION 3. That the president and directors of the said Gettysburg railroad company are hereby authorized and empowered to enter upon, occupy, appropriate, and use the site, structure, and unfinished work of the said Gettysburg extension of the Pennsylvania railroad, for the

purpose of locating and constructing a plank road thereon, or on so much thereof as they may deem advantageous to use, together with the other land on the line of said extension belonging to the Commonwealth, and to manage and conduct the same until they shall deem it expedient to appropriate and use the same for the purpose of constructing a railroad, as hereinbefore provided, the said president and directors to conduct such plank road, with all the powers and subject to such of the provisions and restrictions as are applicable thereto, prescribed by an act regulating plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto.

SECTION 4. That the said company shall have no power or authority under the provisions of this act to use, occupy, or in any way appropriate to its use, the unfinished work of the said extension, until one-third of the amount of their capital stock shall have been subscribed and twenty per cent. of the same paid in: *Provided*, That upon a failure to complete the said road under the provisions of their charter and of this supplement, that the said extension shall revert and vest in the Commonwealth, as fully as if this act had not been passed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 202.

AN ACT

Incorporating the Catasqua and Foglesville Plank Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Jacob Dillinger, Samuel Sieger, Aaron Guth, David Thomas, Owen Rice, Jonas Biery, Phaon Albright, James W. Fuller, and Charles W. Cooper, or any three of them, are hereby appointed commissioners, and authorized to receive subscriptions to the capital stock of the Catasqua and Foglesville plank road company, to the amount of fifty thousand dollars, in shares of twenty-five dollars, in the manner specified in the first section of the act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

SECTION 2. That when one thousand shares of the said stock shall have been subscribed, and five dollars on each and every share shall have been paid, the subscribers and their successors and assigns, shall be and are hereby created a body corporate and politic, in deed and in

- Style. law, by the name, style and title of the "Catasauqua and Folesville Plank Road company," with all the franchises, immunities, rights, powers and privileges granted, and subject to all the rules, regulations and restrictions, not inconsistent with this act, imposed by the said act regulating turnpike and plank road companies, and the said commissioners, or such of them as may have acted, shall then appoint a day and place for the subscribers to meet and organize the company.
- Object. SECTION 3. That the said company when organized, may proceed to the construction of a plank road, with one or more tracks, from Catasauqua to Foglesville, in Lehigh county, by such route as the directors may deem most advisable: *Provided*, That if the said company do not commence the said plank road within three years from the passage of this act, and do not complete and open the same for use with at least one track, within three years thereafter, or if after completion the said plank road shall be suffered to go into decay and be impassable for the term of two years, then this charter, so far as regards any of the work not completed or suffered to go into decay, shall be null and void.
- Proviso. SECTION 4. That the said company at its annual meetings may fix upon days for declaring dividends and holding its annual meetings and elections, and also the number of directors to be chosen and to constitute a quorum to transact business.
- Dividends. SECTION 5. That in case one thousand shares of capital stock shall not be sufficient to complete the work, additional shares may be created for that purpose by new subscription, sale, or otherwise.
- Additional shares. SECTION 6. That it shall be lawful for the Lehigh Crane Iron Company to subscribe to and become a stockholder to the Catasauqua and Foglesville plank road company.
- Lehigh Crane iron co. to subscribe stock.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 203.

AN ACT

To extend the limits of the borough of Frankford, in the county of Philadelphia, and to review a certain part of a state road in Chester and Berks counties.

Southern and eastern bound- SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the southern and eastern boundaries of the borough of Frankfort, in the county of Philadelphia,

shall be so extended as to include all the lands within the following metes and bounds, courses and distances, to wit: Beginning at a corner in the middle of Little Tacony creek, the present easterly line of said borough, it being a corner of lands of James D. Pratt and Joseph Deal; thence extending by the line of lands between James D. Pratt on the one side, and Joseph Deal, Anthony Wenzell, and Benjamin Stiles on the other side, south twenty-seven degrees fifteen minutes east two hundred and thirty-three perches, or thereabout, to the middle of Frankford creek; thence up the middle of said Frankford creek the several courses thereof to a point intersecting the centre of said Little Tacony creek, at its mouth, and that the various provisions now in force of the act entitled "An Act to incorporate the town of Frankford, in the county of Philadelphia," approved March seventh, Anno Domini one thousand eight hundred, and its several supplements, and the various provisions of law now enforced in said borough, shall be extended and enforced in the said borough with its enlarged boundaries.

SECTION 2. That so much of the said territory included by the preceding section as has heretofore been incorporated in the borough of Whitehall, shall become and be a part of the aforesaid borough of Frankford, for all intents and purposes, in fact and in law, as if said portion had never been included within the bounds of said borough of Whitehall, and from and after the passage of this act, all authority and jurisdiction whatever shall cease and determine to be exercised by the authorities of said borough of Whitehall over that portion of territory hereby included in the preceding section.

SECTION 3. That all authority of levying, assessing and collecting taxes, or of whatsoever kind otherwise now exercised by the township of Oxford over that portion of territory included in the limits named in the first section of this act, shall cease and determine from and after the passage of this act.

SECTION 4. That Charles Downing, Richard Pimm, and William Torbert, of East Caln township, in the county of Chester, be and they are hereby appointed commissioners, to view, and if they think proper, alter the location of that part of the state road which passes through the lands of Thomas Matlock, James Batton and Ann Nichols, in said county of Chester, which was enacted by the act of the fourteenth of April, Anno Domini one thousand eight hundred and fifty-one, to which this is a supplement, which state road begins at or near the junction of the state road leading from Downingtown to Wilmington with the Philadelphia and Lancaster turnpike at Downingtown, and extending to a point on the Conestoga turnpike, near David Masts', deceased, in Berks county.

SECTION 5. That the said commissioners, or a majority of them, shall proceed according to the terms and conditions of the said act to which this is a supplement, to the discharge of their duties, and the rights, powers, and privileges conferred by the said act of the fourteenth day of April, Anno Domini one thousand eight hundred and fifty-one, upon the commissioners then appointed, are hereby conferred upon the aforesaid commissioners: *Provided*, The said commissioners shall have no power to act out of the county of Chester: *And provided also*, That all the expenses incurred by the said commissioners shall be paid by the commissioners of the county of Chester, by their order, drawn on the treasurer of said county.

SECTION 6. That the act of the fourteenth of April, Anno Domini one thousand eight hundred and fifty-one, so far as it is inconsistent with this act, be and the same is hereby repealed.

Meeting of com-
missioners.

SECTION 7. That the said commissioners, after taking the necessary qualifications, as prescribed by the act to which this is a supplement, shall meet on or before the first Monday in May next, or as soon thereafter as they or a majority of them may agree, and proceed to perform the duties of their appointment, and make an accurate report of their proceedings, within sixty days from the first Monday aforesaid.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 204.

AN ACT

Relative to the sale of the real estate of Samuel Thompson, late of the borough of Pottsville, deceased; incorporating the Polytechnic college of the State of Pennsylvania; increasing the pay of the engineers on the Columbia and Philadelphia railroad, and Allegheny Portage railroad; and relative to the erection of a bridge across the Aramingo canal in Philadelphia county.

Guardians of
minor children
of S. Thomp-
son, dec'd, to
sell real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Elizabeth C. Thompson, guardian of Emily and Heber Thompson, and Elijah Hammer, guardian of William and Lewis Thompson, the minor children of Samuel Thompson, late of the borough of Pottsville, deceased, be and they are hereby authorized and empowered to sell and convey, by sufficient deeds, either at public or private sale, which to the said guardians may seem best and most expedient, all the undivided interest of the said minor children in and to all or any tract of land situate in the townships of Coal or Shamokin in Northumberland county; also to sell at public sale and convey a certain messuage, tenement and tract of land situate in Walker township, Juniata county, containing two hundred and seventy acres, more or less, bounded by the Juniata river, lands of Adam Johnston, Isaac Shively's heirs, and late Kyle's heirs, and others; also a certain other messuage and tract of land situate in the said township of Walker, in Juniata county, bounded by lands of late James and Samuel Thompson, and now or late John Kingry, and others, containing seventeen acres and sixty perches, or thereabouts: *Provided, however, That* before any deed or deeds of conveyance shall be executed for either of the above described tracts of land, the sale or sales hereby authorized shall have been reported to and approved by the orphans' court of the counties where such lands are located, and the said guardians shall give bond, in such sum and with such sureties as the court of the county in which the

property sold is situated shall order and direct, for the faithful application of the proceeds of the real estate hereby authorized to be sold.

SECTION 2. That Peter A. Browne, George H. Burgen, Garrick Mallory, Morton M'Michael, John M'Intyre, John Agnew, John Tucker, Samuel Jones, and Matthew Newkirk, of the city of Philadelphia, John P. Verree, D. Francis Condie, Joseph S. Silver, Furman Sheppard, and Alfred L. Kennedy, of the county of Philadelphia, Henry A. Muhlenburg, of Berks county, David Landreth and Daniel M. Keim, of Bucks county, Francis W. Hughes, of Schuylkill county, Thomas H. Burrowes, of Lancaster county, Luther Kidder and John N. Conyngham, of Luzerne county, William Jessup, of Susquehanna county, George Smith, of Delaware county, Joseph Bailey of Perry county, James Hamilton, of Cumberland county, Joseph Henderson, of Washington county, and Daniel Agnew, of Beaver county, all in the State of Pennsylvania, and their successors, shall be and the same are hereby constituted a body politic and corporate, under the name, style and title of "The trustees of the Polytechnic college of the State of Pennsylvania," and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and shall be competent and capable in law and in equity to take and to hold, to them and their successors, for the use of the said college, lands, tenements, hereditaments, monies, goods and chattels, of whatever kind, nature or quality soever, by gift, grant, bargain, sale, assurance, will, devise or bequest, from any person or persons capable of making the same: *Provided*, The same do not exceed the yearly value of ten thousand dollars, and the same to grant, bargain, sell, devise, alter, lease or dispose of, for the use of said college, and to erect such buildings as may be necessary, and generally to do all and singular the matters and things which it shall be lawful for them to do for the well-being of said college and the due managing and ordering the affairs thereof. Corporators.
Style.
Privileges.

SECTION 3. That the Governor of the State of Pennsylvania for the time being shall be ex-officio a member and the president of the said board of trustees. Governor to be
a member.

SECTION 4. That the trustees of said college shall have full power to make and use a common seal, and the same to alter at their pleasure. Seal.

SECTION 5. That the said trustees shall hold their first meeting in the city of Philadelphia, on the first Monday in May after the passage of this act; five of them shall constitute a quorum, who shall have the power of transacting the business of the college, particularly of making by-laws and ordinances for the government thereof, of electing trustees in the place of those who may be removed by death, resignation, or otherwise, of electing, appointing and removing the president, professors, and tutors of said college, and of contracting with them for their salaries, of appointing committees of their own body to carry into effect all and every the resolutions of the board, of appointing a president, secretary, treasurer, and whatever officers may be thought necessary for managing the concerns of the corporation: *Provided always*, That no ordinance or law shall be of force which shall be repugnant to this charter or contrary to the laws of the United States or of this State, Trustee meet-
ing to be held in
Philadelphia.

SECTION 6. That the object of said college shall be the education of youth in the arts, sciences, languages, and literature, particularly mining, engineering, and the natural sciences, in their applications to the arts and manufactures, and the president and professors, or a majority

of them, shall constitute the faculty of the college, which faculty shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the students, by rewarding or censuring them, and finally by suspending such of them as after due admonition shall continue disobedient and refractory, until a determination of the trustees can be had.

Faculty to grant degrees.

SECTION 7. That the faculty, by and with the approbation of the board of trustees, or a quorum thereof, signified by their mandamus, shall have full power to grant degrees in the liberal arts and sciences to such students of the institution, and others, as by their proficiency in learning, or other meritorious distinction, they shall think entitled to them, and to grant to such graduates diplomas or certificates, under the common seal, and signed by the faculty, to authenticate and perpetuate such graduation.

Reservation.

SECTION 8. That the Legislature reserves the right to revoke, alter or amend the charter hereby granted, at any time they may think proper.

SECTION 9. That from and after the passage of this act, the engineers on the Columbia and Philadelphia railroad and Allegheny Portage railroad shall receive fifty cents per day additional pay for their services.

Commissioners of Phila. co., to erect a bridge over Aramingo canal.

SECTION 10. That the commissioners of the county of Philadelphia be and they are hereby authorized and required to erect a bridge over the Aramingo canal, at Norris street, in the district of Kensington: *Provided*, That the estimated cost, plans, specifications, and so forth, of said bridge, shall be first approved by the county board.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 205.

AN ACT

To incorporate the Lackawanna Iron and Coal company.

Corporators.

Style.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That George W. Scranton, Joseph H. Scranton, Selden J. Scranton, and Joseph C. Platt, of the county of Luzerne, and such other persons as shall be associated with them and their successors, be and the same are hereby erected into a body corporate and politic, by the name, style and title of "The Lackawanna Iron and coal company," with a capital

stock of five hundred thousand dollars, with power to increase the same to eight hundred thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 2. That the affairs of said company shall be managed by a board of nine directors, one of whom shall be the president, who shall be chosen by the stockholders; the first election shall be held within six months after this act shall take effect, of which election public notice shall be given at least four weeks, in one newspaper published in the county of Luzerne, and subsequent elections shall be held at such time and place annually as the directors shall determine, of which the same notice shall be given; all elections shall be by ballot, and every share of stock subscribed and paid in shall entitle the holder to one vote.

SECTION 3. That this corporation shall have authority to hold and use a common seal, and the same to change, alter or amend, at pleasure, and by the style and title aforesaid, shall be capable in law to sue and be sued before any court or justice of the peace in this Commonwealth, may do and may make all needful rules, regulations and by-laws, for the well-ordering of the business and affairs of the corporation, so that the same shall in nowise conflict with or be contrary to the laws and constitution of this Commonwealth or of the United States.

SECTION 4. That said corporation, by the name aforesaid, may hold in the county of Luzerne lands not exceeding at any one time three thousand acres, with power to mortgage, sell, lease or otherwise dispose of the same, or any part thereof, and the capital of the company may be employed in mining iron ore, making and manufacturing iron, mining coal and limestone, and transporting and vending the same, and for such other objects as are necessary in the prosecution of said business, but nothing herein contained shall be construed to authorize said corporation to exercise banking privileges.

SECTION 5. That an annual report shall be made to the Secretary of the Commonwealth in the month of January, to be by him filed in his office and verified by the oath or affirmation of the president or secretary of said company, showing the amount of capital stock paid in, of the number of acres of land held, the quantity of coal mined and of iron manufactured and sold, for the current previous year, and shall also state the names of all stockholders at the date of such report.

SECTION 6. That the stock may be transferred, agreeably to the by-laws which may be adopted by the corporation.

SECTION 7. That dividends may be declared and paid semi-annually or annually, as the directors may order, but such dividends shall in no case exceed the amount of actual profits acquired by the corporation, and if the directors shall make a dividend of more than the actual net profits, the directors consenting thereto shall severally be liable to the corporation in their individual capacity for the excess so divided and paid.

SECTION 8. That this act shall not take effect until three thousand shares shall be subscribed and paid in, of which a statement containing the names of the subscribers, and the amount subscribed by each, verified by oath or affirmation, shall be given to the Governor, to be filed in the office of the Secretary of the Commonwealth, whereupon the Governor shall issue letters patent to the corporators.

SECTION 9. That subscriptions of stock may be paid in real and personal estate appropriate to the business contemplated by this act, at a bona fide cash valuation, to be agreed upon by a majority in interest of the subscribers and stockholders.

Corporation to pay to State Treasurer one per centum.

SECTION 10. That said corporation shall pay to the State Treasurer for the use of the Commonwealth one per centum upon the amount of the capital stock subscribed and paid in from time to time, payable one thousand dollars annually, the first payment to be made on the first day of July, Anno Domini one thousand eight hundred and fifty-three.

Liabilities of stockholders.

SECTION 11. That the stockholders of said company, whether holding the certificates of stock in their own names or being the parties beneficially interested therein, shall be jointly and severally liable in their individual capacities and estates for all the debts, contracts, or other liabilities of the said company, contracted or incurred during the time such stockholders respectively own their stock or are beneficially interested therein.

In actions to enforce liability who may be included as defendants.

SECTION 12. That in any action brought to enforce any liability under the provisions of this act, the plaintiff may include as defendant or defendants with said company, any one or more of the stockholders thereof, and if judgment be given in favor of the plaintiff, execution thereon shall be satisfied out of the property of the company, if found, in the county where such judgment has been rendered or execution issued, and in case such property sufficient to satisfy the same cannot be found in such county, the same, or any unpaid balance thereof, shall be collected and satisfied out of the property of such stockholder or stockholders, but no such execution shall be satisfied by sale, in whole or in part, out of the property of any stockholder, until a prior return, upon execution issued in the case of no property found of the corporation defendant in the proper county sufficient for the satisfaction of the same, unless the plaintiff, his agent or attorney, shall have filed in the court from which such writ may issue and affidavit that to the best of his knowledge and belief no property of the corporation can be found in the county adequate to the satisfaction of such writ, and no action brought as aforesaid, shall abate or fail because any person or persons may be included as defendant or defendants in such action who may not be liable as aforesaid, but in all such cases judgment shall notwithstanding be rendered against the parties defendant liable as aforesaid : *Provided*, That no action shall be instituted as aforesaid against any stockholder unless within one year after such liability is incurred or debt becomes due and payable.

Proviso.

Stockholders may be added as defendants in certain cases.

SECTION 13. That pending suit as aforesaid, or where said company may be sole defendant, or after recovery of judgment in any case, any stockholder or stockholders liable may be added as party defendant or defendants in such action or judgment, by scire facias, in the manner provided in the twenty-seventh section of the act of twenty-fourth of February, one thousand eight hundred and thirty-four, entitled "An Act relating to executors and administrators," except that any continuance shall be at the discretion of the court, but no such scire facias shall issue after six months from final judgment in any action, unless the same be issued within one year from the time any debt becomes due, or other liability is incurred.

Stockholders paying judgments to have the benefit thereof.

SECTION 14. That on the payment of any judgment aforesaid, or any part thereof, by one or more stockholders, the stockholder or stockholders so paying the same shall be entitled to have such judgment, or so much thereof as may have been so paid, for his or their benefit, with power to enforce the same first against the company, and in case the amount so paid shall not be collected of the property of the company, then rateably against the other stockholders, if any such there be, liable for the claim or liability on which such judgment was founded.

SECTION 15. That all transfers of stock in said company shall be entered on the stock books thereof, and the said company shall keep an office for the transaction of their business at Seranton, in Luzerne county, and at the said office shall keep the stock books aforesaid open at all times to the inspection of any officer, stockholder, or creditor of said company. Transfers of stock to be entered on the stock books.

SECTION 16. That this charter shall continue in force for the term of twenty years from the date of its approval, and no longer, unless extended by an act of the Legislature, except for the purpose of winding up its affairs; and the Legislature reserves the right to amend, alter, or repeal the same, at any time, in such manner, however, as shall do no injustice to the corporators. Continuance of charter.

SMITH SKINNER,
pro tem. Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 206.

AN ACT

To extend the corporate limits of the borough of Meadville, in Crawford county; and authorizing the Clarion Lodge of Independent Order of Odd Fellows to borrow money; and relative to an election district in Lawrence county.

SECTION 6. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, the following described territory, Limits of Meadville borough extended. contiguous to the borough of Meadville, in the county of Crawford, viz: Beginning at the northeast corner of H. J. Huidekoper's meadow; thence along the south side of Poplar street westward to the present borough line; thence along said line by Water street extended northwardly to the present borough line; thence along the said last line eastward to the present borough line; and thence along the same southward to the place of beginning; shall be included within the limits of said borough, which limits are hereby extended so as to embrace the territory aforesaid.

SECTION 2. That the Clarion Lodge number two hundred and fifty-two of Independent Order of Odd Fellows of Pennsylvania, be and is hereby empowered to borrow money for the purpose of building a hall, Clarion Lodge authorized to borrow money. issuing certificates of indebtedness therefor, signed by the presiding officers, and attested by the secretary, redeemable in twenty years, with the interest payable annually thereon: *Provided*, That no certificate shall be issued of a less denomination than one hundred dollars.

Taylor tp.,
Lawrence co.

SECTION 3. That the qualified electors of Taylor township, in the county of Lawrence, shall hold their general and township elections in the public school house in the village of Mahoningtown, in said township, and John Simpson is hereby appointed judge, and Wm. Blanchard and George Mace inspectors of elections until others are elected, in said township.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 207.

A SUPPLEMENT

To an act approved the fourteenth day of April, Anno Domini one thousand eight hundred and fifty-one, entitled "An act to incorporate the Lawrenceville and Sharpsburg Plank road company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the president and board of managers of the Lawrenceville and Sharpsburg plank road company may, at their discretion, construct their road along and from Pike street, in the borough of Lawrenceville, by the most practicable route, to the eastern line of the city of Pittsburg, and with the consent of the city council thereto, to any point within said city they may deem sufficient, with all the powers and privileges mentioned in the acts of Assembly regulating turnpike and plank roads, and when said portion of the road is finished, the said board of managers are hereby authorized to collect toll thereon, without further view or license.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 208.

A SUPPLEMENT

To the act entitled "An Act to incorporate the Kensington Gas company," passed April fourth, one thousand eight hundred and forty-three; relative to the sale of certain real estate; and to the improvement of Broad street, in Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Kensington Gas company shall be and they are hereby authorized to increase their capital stock to the sum of sixty thousand dollars, and to sell, issue, or otherwise dispose of, such an additional number of shares of stock as may be necessary to effect such increase, in such manner and at such time and place as may be ordered by the directors of said company. Kensington gas company may increase capital stock.

SECTION 2. That the time of holding the annual meeting of the stockholders of the Kensington Gas company be changed from the second Monday in January to the second Monday in February in each and every year thereafter. Meeting of stockholders.

SECTION 3. That Henry Wilson, guardian of Mary Jane Luzenburg, Albert Jackson Luzenburg, and Thomas Jefferson Luzenburg, minors under the age of fourteen years, and Charles Joseph Luzenburg, Edward Octavio Luzenburg, and Martha Rolinda Luzenburg, minors above the age of fourteen years, minor children of Edward Luzenburg, deceased, be and is hereby authorized to sell by public sale, and convey in fee simple, all that certain lot or piece of ground with the brick messuage tenement thereon erected, situate on the south of Poplar street in the district of Spring Garden, in the county of Philadelphia, beginning at the distance of thirty-five feet two inches and a quarter eastward from the south-east corner of Poplar street and Tenth street, being the same premises which Thomas H. Marston, of the district of Spring Garden and county of Philadelphia, and Martha his wife, by indenture bearing date the twentieth day of October, Anno Domini one thousand eight hundred and forty-eight, recorded in deed book A W M, number eighty-five, page three hundred sixty-nine, conveyed unto Francis Curtaiar, of the city of Philadelphia, tobaccoist, his heirs and assigns, in trust for the sole use of the heirs of Edward Luzenburg, deceased: *Provided*, That the said guardian, before such sale, give sufficient security, to be approved of by the orphans' court of Philadelphia county, and that the same be approved by the said court. Guardian of minor children of Edward Luzenburg to sell real estate.

SECTION 4. That the commissioners of the county of Philadelphia be and they are hereby authorized, by and with the consent of the county board, to repair the county causeway connecting League Island with the main land in Broad street, in the county of Philadelphia, and to otherwise regulate and improve said Broad street south of the city of Philadelphia, as they may deem most advantageous for the public Commissioners of Phila. co., to repair county causeway.

interest: *Provided*, The cost thereof shall not exceed the sum of ten thousand dollars.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 209.

AN ACT

To prohibit the deposit of filth in the vicinity of the Kensington and Richmond districts, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That no privy filth shall be deposited within the Kensington and Richmond districts, in the county of Philadelphia, or outside of the said districts, at any place within a mile of the boundary line of the said districts, and any such deposit is hereby declared to be a nuisance, and the party or parties depositing, or procuring or causing the same to be deposited, to be guilty of a misdemeanor, and on conviction thereof by the court of quarter sessions for the county of Philadelphia, such party or parties shall for each offence be sentenced to pay a fine not less than twenty dollars nor more than one hundred dollars, or by non-compliance be imprisoned in the Moyamensing prison, for a period not less than thirty days nor more than six months.*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The sixth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 210.

AN ACT

To incorporate the Merchants' Fire and Marine Insurance company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners. John B. Myers, David S. Brown, Stephen Baldwin, S. Morris Waln, A. J. Lewis, John Tucker, Hugh Campbell, Henry White, George H. Martin, C. H. Fisher, William D. Lewis, Algernon S. Roberts, Robert Ewing, T. S. R. Fassitt, Isaac R. Davis, G. G. Wescott, Frederick Lennig, Caleb Cope, M. Brooke Buckley, William C. Kent, N. B. Thompson, May Humphreys, Lewis Waln, David Jayne, Charles S. Boker, Frederick Brown, Solomon Smith, George D. Wetherill, Daniel Haddock, John H. Brown, Francis N. Buck, Thomas C. Rockhill, Daniel Deal, Lyon J. Levy, R. C. Dale, Craig Biddle, Willoughby Reed, A. J. Bucknor, John Brock, Benjamin W. Tingley, William W. Keen, Morris L. Hallowell, B. A. Farnham, Frederick Klett, William C. Ludwig, John Trucks, Thomas Neilson, Edmund Yard, Joseph B. Myres, John C. Weber, William Raiguel, Thomas Beaver, Alfred Fassitt, Thomas Smith, Joseph Ripka, and Thomas A. Newall, be and they are hereby appointed commissioners for receiving subscriptions to the capital stock of a company to be denominated "The Merchants' Fire and Marine Insurance company." who shall open a book for that purpose in the city of Philadelphia, at a time and place to be by them designated, and of which they shall give public notice in two or more daily newspapers published in said city, for two successive weeks immediately preceding the time of opening the book, as aforesaid, and the said book shall be kept open for three consecutive days, from ten o'clock A. M. until two o'clock P. M. on each day, or until the number of five thousand shares, at one hundred dollars per share, shall have been subscribed, and all persons of lawful age shall be permitted to subscribe to the said stock by paying five dollars on each share at the time of subscribing, and if the whole number of shares shall not have been subscribed within the three days before mentioned, the said commissioners shall have power to re-open the said book, at such times and places as they shall deem expedient, and continue the same open until the whole number of shares shall have been subscribed, but if more than five thousand shares shall have been subscribed on the three days aforesaid, the subscriptions shall be rateably reduced, so as to leave the whole number of shares to be apportioned among the subscribers five thousand: *Provided*, That all acts which the said commissioners are authorized to do shall be as effectual and valid if performed by a majority of them, or by a committee appointed by such majority, as if performed by them all. Privileges. Proviso.

SECTION 2. That when two thousand five hundred shares of the capital stock as aforesaid, shall have been subscribed, and at least five dollars per share paid in, the said commissioners, or at least ten of their number, shall certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares by them subscribed respectively, and the Governor shall thereupon, by letters Letters patent.

patent, under his hand and the seal of the State, erect and create the subscribers into a body politic and corporate, in deed and in law, by the name, style and title of the "Merchants' Fire and Marine Insurance company," to be located in the city of Philadelphia, by which name, style and title, the said subscribers shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold, use, occupy, possess, and to enjoy, to them and their successors, lands, tenements, hereditaments, goods, chattles, and effects, of what nature, quality and kind soever, real, personal, or mixed, necessary or convenient to carry into effect the powers and privileges hereinafter granted, and to receive and collect all promissory notes or choses in action, taken in the course of their corporate business, and the same from time to time to sell, demise, grant, alien or dispose of: *Provided*, That the yearly income of the estate so held, except such as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security or in payment of any debt which may become due or owing to the same, or in satisfaction of any judgment of any court of law in its favor, shall not exceed the sum of ten thousand dollars, and the said company shall have power to make, have, and use a common seal, and the same at pleasure to break, alter, and renew.

Proviso.

Capital stock.

SECTION 3. That the capital stock of said company shall be called in and paid at such times and places, and in such proportions and instalments, as the presidents and directors shall require, giving public notice thereof for three successive weeks, in two or more daily newspapers published in the city of Philadelphia, and if any stockholder shall neglect to pay such proportion or instalment, at the time and place appointed, he shall, in addition to the proportion or instalment so called for, pay at the rate of one per cent. per month for the delay of such payment, and if the same and the additional penalty, or any part thereof, shall remain unpaid for a period of six months, he shall, at the discretion of the directors, forfeit to the use of the company all his right, title and interest, in and to every and all share or shares on account of which such default in payment may be made, as aforesaid, or the president and directors may, at their option, cause suit to be brought before any competent tribunal for the recovery of the amount due on such stock, together with the penalty of one per cent. a month, as aforesaid; in the event of a forfeiture, the share or shares so forfeited may be disposed of, at the discretion of the president and directors, under such rules and regulations as may be prescribed by the by-laws: *Provided*, That no stockholder shall be entitled to vote at any general or special meeting of the company, on whose share or shares any instalment or arrearages may be due more than ten days previously to said meeting.

Proviso.

Affairs, how managed.

SECTION 4. That the affairs of the company shall be managed by twenty-four directors, of whom five shall be a quorum for the transaction of business, who shall be citizens of this Commonwealth and stockholders of said company, holding at least five shares each in their own right, and who shall be elected annually, on the third Monday of April, by the stockholders assembled in their general meeting for that purpose, of which meeting public notice shall be given in two or more daily newspapers published in said city, for two successive weeks immediately preceeding the holding of the same, and the directors at their first meeting after each election shall choose one of their number as president; but in case it should happen at any time that an election of directors should not be made when pursuant to this act it

ought to have been made, the company for that cause shall not be dissolved, and it shall be lawful within forty days thereafter to hold and make an election of directors, in such manner as shall be regulated by the by-laws and regulations of said company; and in case of the death, resignation, or removal from office of any director, his place may be filled for the remainder of the term, in such manner as the regulations of the company for that purpose shall direct: *Provided*, That Proviso. the first election of directors shall be held at a time and place to be appointed by the commissioners before mentioned, they giving notice thereof in the manner aforesaid, and the directors so chosen shall hold their offices until the third Monday of April following, and until new directors shall be chosen; the votes of stockholders for the election of directors shall be by ballot, and each share in the stock of said company shall entitle the holder to one vote, but no stockholder shall vote at any election for directors unless the share or shares on which he or she may claim to vote shall have been standing in his or her name at least three months previous to such election, and all the instalments due thereon shall have been paid.

SECTION 5. That the president and directors for the time being shall have power to establish and appoint such and so many officers, clerks, agents or agencies in this State, or elsewhere, as shall be by them deemed convenient or necessary for conducting and performing the business of the said company, to fix their compensation, to take bonds from all or any of them, with security, conditioned for the faithful execution of their several duties, to make such covenants, contracts and agreements, as they may deem proper, to ordain, establish, and put in execution all such ordinances, regulations and by-laws, as may appear necessary for the government or conducive to the interest of the company, not being contrary to the fundamental articles thereof, to the constitution and laws of the United States and of this Commonwealth, and generally to do, execute and perform all acts, matters and things in relation to the business thereof, which a corporation may or can lawfully do: *Provided*, That all such ordinances, regulations and by-laws, as shall be made by the directors, may be altered or repealed by a majority of the stockholders, at any annual meeting, or at any special meeting which may be called for that purpose by any ten or more of the stockholders owning two fifths of the capital stock, of which special meeting at least three weeks' previous public notice shall be given, in two or more daily newspapers published in said city, and a majority of the stockholders may, at any annual or special meeting convened as aforesaid, adopt by laws, which shall be binding upon the directors, such by-laws not being contrary to the laws of this State or of the United States. directors to appoint officers, clerks, &c. Proviso.

SECTION 6. That the said company shall have full power and authority to make insurances and to guarantee against losses by fire, by perpetual policies or otherwise, on such terms, and at such rate of premium, as may be agreed upon, on any house, tenement, church, manufactory, or other buildings, on machinery, lumber, building, or other materials, on vessels on the stocks, and on goods, wares merchandise, commodities, or other effects, and on hay, grain, and other agricultural products, in barns, stacks, or otherwise, and generally upon all kinds of buildings, goods, wares and merchandise, commodities or effects, together with every species of property, pursuit, or business, in the prosecution of which there is or may be any loss or risk, and in like manner, for such rate of premium as may be agreed upon, to insure and guarantee against loss on marine or other risks, of whatsoever kind or nature, upon steamboats, ships, vessels, canal boats, Authority to make insurances.

or other craft, on the ocean or elsewhere, and upon goods, wares and merchandise, commodities or effects, of whatsoever kind or nature, shipped or transported, or to be shipped or transported, by water or land, or partly by water and partly by land; likewise on specie, bullion, or money shipped, transported or remitted, or to be shipped, transported, remitted, delivered, or paid, and generally to make, execute, and perfect such contracts, bargains, agreements, policies, and other instruments, as shall or may be necessary, and as the nature of the case may require, and every such contract, bargain, agreement, policy, or other instrument, to be made by the said company, shall be in writing or in print, and signed by the president and secretary, or by such other officer or officers as the directors may appoint for that purpose, and it shall be lawful for the said company to obtain re-insurance on any risk against which they may have insured, whenever deemed expedient.

Employment of capital stock. SECTION 7. That it shall be lawful for the said company to employ and improve the capital stock thereof, and all moneys received for insurance, in any available loans, stocks, or other securities, or to lend the same, or any part thereof, upon any good and sufficient security, and also to sell and dispose of and transfer all or any of the said loans, stocks and securities, and invest the proceeds thereof in like and other such stocks, loans and securities: *Provided*, That nothing herein contained shall in any way be construed to authorize the said company to use their capital stock or other funds for banking purposes.

Proviso.

Dividends.

SECTION 8. That the president and directors of said company shall, on the first Mondays of October and April in each and every year, declare and divide so much of the profits of said company as to them shall appear advisable, first deducting all expenses, and pay the said dividend to the respective stockholders, or their agents, duly empowered, in ten days after declaring the same, but the moneys received as premiums upon risks which remain outstanding and undetermined at the time of declaring such dividends, shall not then be considered as part of the profits of said company, or divided as such, and if any loss shall happen whereby the capital stock of said company shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the said capital stock, and if the president and directors shall knowingly make a dividend or dividends contrary to the true intent and meaning of the prohibitions herein contained, such of them as shall consent thereto shall in their individual capacities be accountable for and pay over to the said company, for the use thereof, as much money as they may so divide and pay more than by this act they are authorized to do, and the president and each director of the said company in office at the time of making such dividend hereby prohibited, shall be deemed as consenting thereto, unless he or they shall at the time of making and declaring the same be absent from the board of directors, or if present, shall immediately enter his or their protest or protests on the minutes of the board, and also give notice thereof in two or more newspapers published in said city: *Provided*, That any member of the corporation may nevertheless become assured thereby, in the same manner, and with the same effect, as if such member had no interest in the corporation: *And provided further*, That if the said company should fail at any time to meet its engagements, each person holding stock at the time of such failure shall be liable in his individual capacity for the debts of said company, to the amount of the balance unpaid on the stock so by him held.

Proviso.

Proviso.

SECTION 9. That the stock of said company shall be transferable ^{Transfer of} on the books of the company only according to such rules and regula- ^{stock.} tions as may be prescribed by the by-laws.

SECTION 10. That should the said company, by a majority of its ^{Increase of} stockholders in number and amount of stock, at a meeting called for ^{capital stock.} that purpose, after three weeks' notice thereof being given in at least two daily papers in the city of Philadelphia, deem it advisable to increase the capital stock thereof, they are hereby fully empowered to do so, in any sum not exceeding five thousand shares, of one hundred dollars each, payable to the company by instalments, in amounts and and at such times as the directors may determine,

SECTION 11. That if at any time it shall appear to the Legislature ^{Misuse or abuse} that the said company has abused or misused any of the privileges ^{of privileges.} hereby granted, the power to repeal this act shall in nowise be denied or impaired, but such repeal shall in nowise affect the engagements to which said company may have become a party previously thereto, nor shall it be done in such manner as to do injustice to the corporators.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The sixth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

AN ACT

To authorize the Common School directors of Lower Chanceford township, York county, to sell certain school houses in said school district; to incorporate the Farmers' Mutual Fire Insurance company; relative to the trustees of the borough of Hanover; and to extend the provisions of an act relative to testamentary trustees in the city and county of Philadelphia to the county of York; and to legitimate Agnes Lipp of York county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That ^{School directors} the common school directors of Lower Chanceford township, in the ^{of Lower} county of York, are hereby authorized to sell at public sale certain ^{Chanceford tp.,} school houses in said township, and they are hereby further empowered ^{York co., to sell} to convey by deed the ground on which the said school houses now ^{certain school} stand to the purchaser thereof: *Provided,* That the proceeds of said ^{houses.} sale be expended for the benefit of said school district.

SECTION 2. That Henry G. Kauffman, Karle Forney, Eli Kendig, ^{Corporators.} Daniel L. Gehley, John Landes, John Hiestand, Joseph Sultzbach, Michael Henry, Lewis Falkenstein, Adam Siechrist, Abraham F. Hiestand, John Allison, Samuel Kendig, and all other persons who may

- hereafter associate with them in the manner hereinafter prescribed, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name, style and title of "The Farmers' Mutual Fire Insurance company," and by the same name to be able to sue and be sued, plead and be impleaded, in all courts of record or elsewhere, and also make and have one common seal, and the same to alter and renew at pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of said corporation, not being contrary to this charter or the laws of the United States or this Commonwealth, and generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact for the well-being of said corporation, and the due management and well-ordering of the affairs thereof.
- Style.**
- Privileges.**
- Object.** SECTION 3. That the object and business of said corporation shall and is hereby prescribed to be the insurance of their respective dwelling houses, barns, and other buildings, household furniture, and other personal property, against loss or damage by fire, within the counties of York, Cumberland, Perry, Dauphin, Lebanon and Lancaster, for such term or terms, and for such premiums or considerations, and such modifications and restrictions, as may be agreed on between the said corporation and the persons agreeing with them for said insurance.
- Who may be members.** SECTION 4. That all persons who shall hereafter insure with said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in said company or corporation, as is hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.
- Period of insurance.** SECTION 5. That no insurance shall be made by the said corporation for a longer period than seven years, nor shall any property be insured by this company in any other place except in the counties named in the third section of this act.
- Exceptions.** SECTION 6. That no insurance shall be made by this company or corporation upon any buildings or personal property in any city, borough, or town, nor in any village where buildings are situated in blocks, nor upon any stores, taverns, distilleries, tanneries, or the shops of carpenters, coopers, cabinet-makers, wheel-wrights, machine shops, or buildings in which dry shavings are made or steam power employed.
- Affairs, how managed.** SECTION 7. That the affairs of said corporation shall be managed by a board of directors, consisting of not less than seven nor more than eleven members, chosen or appointed as hereinafter provided; all vacancies happening in said board shall be filled by the remaining directors for the remainder of the year for which they were elected, or until a new election, and a majority of the whole shall constitute a quorum for the transaction of business; the seven persons first named in the second section of this act shall be the first directors, and the business of the said corporation shall be carried on and conducted at such place in the borough of York, county of York, as shall be designated by a majority of the directors present at any regular meeting of the board, and said board shall continue in office for one year after the passage of this act and until others are chosen in their place, which board of directors shall thereafter be elected yearly, at such time and place in the borough of York aforesaid as the corporation in their by-laws shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in said county of York, at least thirty days immediately preceding such election, such election to be held under the inspection of three members not being directors, to be appointed by the directors

previous to every election, and such election shall be made by ballot and by plurality of the members or their proxies then present, allowing to each member one vote for every hundred dollars insured for him or them in the said corporation.

SECTION 8. That if it shall at any time happen that an election of president, secretary or directors, shall not be made on any day when pursuant to this act and by-laws of said corporation it ought to have been made, the corporation shall not for that cause deemed to be dissolved, but it shall be lawful on any day to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of said corporation. Failure to elect not to dissolve corporation.

SECTION 9. That the board of directors shall appoint one of their own number for president, one for secretary, and one for treasurer, of whom they shall require such securities as may be required for in their by-laws, and shall have authority to appoint officers and employ clerks, appoint agents or attorneys, if found necessary for the transaction of the business of said institution, and shall from time to time fix and regulate the rates of insurance and the amount to be insured, the amount of the premiums or cash payment, and the premium notes of the persons applying for insurances. Officers.

SECTION 10. That when property insured by this company shall be alienated by sale or otherwise, the policy shall therefore be void, and be surrendered to the directors of said company to be cancelled, and upon such surrender the insured shall be entitled to receive his or her deposit note: *Provided*, That the insured shall first pay his or her proportion of the balance of losses and expenses, if any, which have accrued prior to such a surrender, but the grantee or alienee having the policy assigned to him or her, may have the same ratified and confirmed to him or her for his or her own proper use and benefit, upon application to the directors and with their consent, within thirty days' next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note as shall remain unpaid by such ratification and confirmation; the party causing such security to be given shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party was liable and subjected to under this act. When policy to be void. Proviso.

SECTION 11. That suits at law may be maintained by said corporation against any of its members for the collection of said deposit notes, or any portion thereof, or for any cause relating to the business of said corporation, against any person for moneys due said corporation, or for injury done to their corporate property, books or papers, or for causing the destruction by fire of any property by them insured; also suits at law may be maintained against said corporation by any member thereof for losses or damage by fire, if payment is withheld more than three months after the company is duly notified of such loss, and no member not being in his individual capacity interested, shall be incompetent as a witness in any such cause as aforesaid, on the account of his being a member of said corporation. Suits at law may be maintained.

SECTION 12. Every person who shall become a member of this corporation by effecting insurance therein, shall, before he or she receives his or her policy, deposit his or her premium note for such sum of money as shall be determined by the directors, and shall in addition, pay a certain sum in cash, fixed by the directors of said corporation, said deposit note payable in part or the whole at any time when the directors shall deem the same requisite for the payment of loss or damage by fire, and such incidental charges as shall be necessary for transacting the business of said corporation, and at the expiration of Duties of members.

the term of insurance the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof.

Members bound to pay for losses. SECTION 13. That every member of said corporation shall be bound to pay for losses or damage, and such necessary expense aforesaid, accruing in said corporation, in proportion to the amount of his or her deposite note.

Directors to settle and determine the amount to be paid by each member. SECTION 14. That if any loss or damage by fire shall happen to any of the members over and above the available cash fund in the treasury of said corporation, the directors shall settle and determine, in proportion to the deposite notes, the amount to be paid by any of its members as their respective share of such loss or damage, and publish the same, in such manner as may be prescribed in the by-laws, and the members shall pay the same to the treasurer of the company, or such persons authorized by him, within thirty days after the publication of such notice; on neglect or refusal to pay the same assessed upon him or her as a portion of any loss as aforesaid, in such case his or her policy shall be declared void, and the company may sue for and recover said portion assessed with costs of suit.

Statement of affairs to be published. SECTION 15. That within thirty days after the annual meeting for the election of directors, it shall be the duty of the secretary of the corporation to cause to be made and published in one or more newspapers published in the borough of York, a statement of the affairs of the corporation, the amount of premiums received, the amount of losses and expenses during the year, the amount of risks, and a general balance statement of the affairs of the corporation.

Sufferers to receive a proportionable dividend. SECTION 16. That if it should ever happen that the stock of said company deposited and paid as aforesaid, shall not be sufficient to pay all the losses occasioned by fire, then and in such case the sufferers insured by said company shall receive towards making good their respective losses a proportionable dividend of said whole stock, according to their respective losses, and the respective sums insured by them by said company, or if there should be an excess of funds the directors may, if they deem it expedient, declare a dividend to each member, apportioned to the amount originally paid.

Withdrawal of insurance. SECTION 17. That any member wishing to withdraw his or her insurance from said company, shall surrender his or her policy to the directors, to be cancelled, and upon such surrender, shall be entitled to secure his or her deposite note, on payment of his or her proportion of losses and expenses accrued prior to such surrender.

When policies to issue. SECTION 18. That no policy shall be issued by said corporation until application shall have been made for insurance to the amount of one hundred and fifty thousand dollars.

Use of funds. SECTION 19. That it shall not be lawful for the said corporation to deal, or use, or employ any part of the funds or moneys thereof in buying or selling any goods, wares or merchandise, in the way of traffic, or in any banking operation, or in the purchase or sale of any stock or funded debt created or to be created under any law of the United States or any particular State, but it shall nevertheless be lawful for the said corporation to make loans of the funds on bond or mortgage, and the same to call in and re-loan as occasion may render expedient.

Continuance of act. SECTION 20. That this act shall continue in force twenty-four years, but the Legislature may at any time alter, modify or annul its provisions, in such manner however as to do no injustice to the corporators.

Trustees of the borough of Han- SECTION 21. That the trustees appointed by the fourth section of the act of Assembly, approved the fourth day of May, one thousand

eight hundred and fifty-two, entitled "An Act supplementary to the act incorporating the borough of Manheim, in Lancaster county; relating to licenses in the borough of West Chester; to the public common of the borough of Hanover; to the Germantown Water company; to the election district in Lebanon county; and to Jarvis street in the district of Southwark;" and their successors in office, are hereby authorized and empowered to commence and prosecute actions at law in their names, as trustees as aforesaid, in behalf and for the use of the borough of Hanover, against any person or persons committing any trespass or trespasses upon said common, or in anywise wrongfully encumbering, occupying or using the same, or any part thereof, contrary to the intent and meaning of the deed of the executors of Richard M'Allister, deceased, by which said common was granted and conveyed, to be forever occupied and enjoyed as an open and free public common.

SECTION 22. That the provisions of an act entitled "An Act relative to testamentary trustees in the city and county of Philadelphia," passed the third day of March, one thousand eight hundred and forty-seven, be and they are hereby extended to the county of York.

SECTION 23. That Agnes Lipp, of the borough of Hanover, in the county of York, an illegitimate daughter of Alexander Lipp and Margaret Alwood, who were intermarried after the birth of their daughter, shall have and enjoy all the rights, privileges, benefits and advantages of a legitimate child of the said Alexander Lipp and Margaret Alwood, born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if she had been the legitimate child of the said Alexander Lipp and Margaret Alwood, born in lawful wedlock.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The sixth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 212.

AN ACT

Relative to Taxes paid by certain Banks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* such of the Banking and Saving Institutions of this Commonwealth as were chartered or re-chartered prior to A. D. one thousand eight hun-

dred and fifty, shall be subjected to such local taxes only as are now by law levied and assessed upon the Banking and Saving Institutions rechartered in one thousand eight hundred and fifty: *Provided*, That the amount of taxes which the said institutions are now by law required to pay into the State treasury, shall in no manner be lessened or affected by the operation of this section.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The sixth day of April, A. D. one thousand eight hundred and fifty-three

WM. BIGLER.

No. 213.

AN ACT

For the relief of Elizabeth M. Call, Agnes Hamilton, and Margaret Hickernell, widows of soldiers of the Indian war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the State Treasurer be and is hereby authorized to pay to Elizabeth M. Call, late of Lawrence county, widow of John M. Call, deceased, and to Agnes Hamilton, of Sewickleyville, Allegheny county, widow of William Hamilton, formerly of Fayette county, and Margaret Hickernell, widow of Frederick Hickernell, deceased, late of Crawford county, all widows of soldiers of the Indian war, or to their orders, forty dollars each as an annuity during their lives, commencing on the first day of January, one thousand eight hundred and fifty-three, to be paid semi-annually, on the first day of January and first day of July.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The sixth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 214.

AN ACT

For the relief of the Broadtop Rifle Rangers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the treasurer of the county of Huntingdon is hereby authorized and required to pay seventy-five dollars, and the treasurer of the county of Bedford one hundred dollars, to the treasurer of the company of Broad Top Rifle Rangers, upon the order of the captain thereof, out of the proper military fund for the years one thousand eight hundred and fifty, one thousand eight hundred and fifty-one, and one thousand eight hundred and fifty-two, as is provided in the act of Assembly passed the seventeenth day of April, one thousand eight hundred and forty-nine, entitled "An act to revive the Militia System, and provide for the training of such only as shall be Uniformed :" *Provided, The* said several amounts shall be found due.

SECTION 2. That the captain of said company is hereby authorized and empowered to take possession of the arms and accoutrements belonging to said company, in whosoever possession the same may be found : *Provided, That* he accounts therefor according to law.

SECTION 3. That the several uniformed companies that shall be organized on or before the first Monday of June, one thousand eight hundred and fifty-three, in the county of Bedford, shall elect one brigade inspector for the brigade composed of the said county of Bedford, as is provided by the laws of this Commonwealth : *Provided, That* the person so elected shall only continue in office until the next regular election for brigade inspector.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 215.

AN ACT

Authorizing the Governor to incorporate the Coopertown Turnpike and Plank Road company.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Commissioners. David Lyons, Jesse Brook, Philip Sheaff, James A. Moore, George Comog, David R. Mullen, Barton Smith, James Lindsey, Charles Johnston, Jackson Lyons, Isaac Anderson, Samuel Leedom, Thomas Powell, of Delaware county, or a majority of them, be and they are hereby authorized and appointed commissioners to open books, and receive subscriptions, and organize a company by the name, style and title of "The Coopertown turnpike and plank road company," with power to construct a plank road over and upon the bed of the Darby road, beginning at a point where the West Chester road crosses the said road, at or near the six mile stone of said West Chester road, and following the line of said Darby road to and terminating at Coopertown, a distance of about two miles, subject to the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth of January, eighteen hundred and forty-nine, and the supplements thereto, excepting that portion of which relates to the collection of tolls.

Style.

Subject to provisions and restrictions of certain act.

SECTION 2. That the company hereby incorporated shall have power to regulate their tolls, apportion toll gatherers, and punish frauds, agreeably to the provisions and restrictions of the twelfth section of an act entitled "An Act authorizing the Governor to incorporate the West Chester and Philadelphia turnpike road company," approved the twenty-fifth day of March, A. D. one thousand eight hundred and forty-eight.

Tolls.

SECTION 3. That the capital stock of said company shall consist of three hundred shares of twenty five dollars per share: Provided, That the said company may from time to time, by a vote of a majority of the stockholders, at a meeting called for that purpose, increase their capital so much as may be necessary in their opinion to complete the road, and carry out the true intent and meaning of this act.

Capital stock. Provision.

SECTION 4. That the road commissioners and supervisors of highways of the townships through which the said road shall pass, shall, in addition to the powers vested in them by the act of Assembly, approved April fifth, A. D. one thousand eight hundred and forty-two, authorizing subscriptions to turnpike roads on behalf of townships through which said roads may pass, be authorized and empowered to borrow money to pay the instalments on the stock so subscribed, and to issue certificates of loan for the same, bearing an interest not exceeding six per centum per annum, and payable at any time not exceeding ten years, which certificates shall be binding on said townships for said purpose: Provided, That no certificate of loan shall be issued of a less amount than one hundred dollars.

Duties of road Commissioners and supervisors.

SECTION 5. That if said company shall not commence the construction of their road within three years, and complete the same within

Commencement and completion of road.

ten years, after the passage of this act, it shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of said company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 216.

AN ACT

Authorizing the Governor to incorporate the Saw Mill Valley Turnpike or Plank Road company; relative to Roads in Pine township, Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Jacob Heitshue, George Royal, James Watson, William Baxter, Thornton A. Shinn, Jacob Geyer, John Wilson, Andrew Barclay, George Evans, and Alexander M. Watson, of Allegheny county, be and are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Saw Mill Valley Turnpike or Plank Road company," with power to locate and construct a turnpike or plank road in said county, commencing at the line of the city of Allegheny, on the northerly side of the same, at the end or terminus of East lane or East street, as may be determined by a majority of said commissioners, and extending thence in a northerly direction along and up the valley of Saw Mill run, by the nearest and best route to Cross-cut street, in Jacob Dellenbaugh's plan of lots in Ross township, and thence by the nearest and best route to the Allegheny and Perrysville plank road, terminating at and on the same, subject to all the restrictions and provisions of an act entitled "An Act regulating Turnpike and Plank Road companies," approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the supplements thereto.

SECTION 2. That the capital stock of said company shall consist of three hundred shares, of twenty-five dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock so much as may be necessary in their opinion for the completion of the road, and to carry out the true intent and meaning of this act.

SECTION 3. That whenever said company shall have finished two miles or more of said road, they shall have power to erect a gate or gates, and receive tolls, pursuant to the provisions of this act, agreeably to such provisions and restrictions of the thirteenth section of the act

of twenty-sixth of January, Anno Domini one thousand eight hundred and forty-nine, aforesaid, as remains unaltered by the provisions of this act.

Viewers.

SECTION 4. That the viewers to be appointed by the Governor as authorized by the twelfth section of the act last aforesaid, may be appointed whenever the company hereby to be incorporated shall have finished two miles or more of said road.

Commencement and completion of road.

SECTION 5. That if said company shall not commence the construction of their road within two years and complete the same within three years from and after the passage of this act, then the same shall become null and void, except so far as may be necessary to settle up the affairs and pay the debts of the company.

Duties of auditors and supervisors of Pine tp., Allegheny county.

SECTION 6. That on the fourth Friday of March, in every year, the auditors and supervisors of highways in Pine township, Allegheny county, shall meet together, and at said meeting or any adjournment thereof, shall fix the rates and amount of road taxes for the current year, and shall ascertain as far as practicable, the probable extent of work which shall or may be required to be done by the said supervisors during the year, and shall allot to each supervisor a separate portion of the township for his more especial care and superintendence, and shall assign to each supervisor a fixed sum or salary, to be in full of all his services during that year, which salary shall not exceed thirty dollars to any one of said supervisors.

Further duties.

SECTION 7. That the said supervisors, or either of them, shall, as far as practicable, contract with the taxable inhabitants for the work to be done in opening and repairing the roads within said township, but in no case shall they, either by contract or otherwise, exceed the amount of taxes levied for each year, so as to involve the township in debt, without the consent of all the auditors first had in writing approving of such contract.

Allotment to lowest bidders.

SECTION 8. That either of said supervisors, within his separate portion of said township, shall, when requested by any two of the taxable inhabitants of said township, or when he may deem the same advisable, after having given ten days public notice, allot to the lowest and best bidder any section or sections, part or parts of the roads in his district: *Provided*, The lowest sum bid does not, in the estimation of the said supervisor, exceed the proper cost of the work: *And provided*, That the supervisors shall not be allowed, either directly or indirectly, to contract for any section or portion of the work under their supervision.

Proviso.

Supervisors to procure books.

SECTION 9. That it shall be the duty of each of said supervisors to procure a book, in which the work allotted by contract shall be numbered and described in sections; they shall also distinctly specify therein what they deem necessary for the improvement and keeping in good repair said public road for one year.

Contractors to write their names in supervisors' books.

SECTION 10. Any person or persons to whom a contract shall be given or allotted for any section aforesaid, shall write his or their name or names respectively in the supervisor's book, opposite to the section or sections so taken or allotted, together with the amount for which he agrees to repair the section.

Contractors to keep their sections in good repair.

SECTION 11. That it shall be the duty of the contractors to keep their sections in good and substantial repair, according to the terms of their contract, and if any contractor shall refuse or neglect to keep his or her section in good and substantial repair, according to the terms of agreement, upon complaint of any person made to the supervisors, it shall be the duty of the supervisors to examine the section complained of, and if there shall be cause for complaint, they or either of them, shall

notify the contractor or contractors to put his section in good repair, and if he or they shall fail or neglect to do so for ten days after being notified, it shall be the duty of the supervisors to repair the same; the expense for so doing shall be charged to said contractor or contractors, and upon refusal by him, her or them, to pay the same, said supervisors may proceed to recover as other debts of equal amount are by law recoverable, with cost of suit.

SECTION 12. That all new roads now laid out or hereafter laid out shall be divided into sections and allotted by contract in the manner provided in the fourth section of this act, for the repair of public roads; it shall be the duty of contractors for opening new roads within ten days after signing their contracts, to commence operations on their sections, and shall complete the same without delay, and such parts of any former acts as are inconsistent with the provisions of this act be and same are hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The sixth day of April, A. D., one thousand eight hundred and fifty-three.

WILLIAM BIGLER.

No. 217.

AN ACT

To incorporate the Pennsylvania Female College.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be and hereby is established near Perkiomen bridge, so called, in the county of Montgomery, an institution of learning for the education of girls and young women in any and all the useful and ornamental branches of education, by the name, style and title of "The Pennsylvania Female College, under the care and direction of a board of trustees, not exceeding twenty-five in number, who, with their successors in office, shall be and hereby are declared to be one body politic and corporate, in deed and in law, to be known by the name, style and title of "The Pennsylvania Female College," and by the same shall have perpetual succession, and shall be able to sue and be sued, to plead and be impleaded, in all courts of law and equity, and shall be capable in law and equity to take, hold, and purchase, for the use and benefit of said college, lands, goods, chattels and moneys, of any kind whatever, by gift, grant, conveyance, devise, or bequest, from any person or persons whomsoever capable of making the same, and the same from time to time to sell, convey, mortgage, or dispose of, for the use and benefit of said college, and they shall have power to

erect such buildings as may be necessary for the purposes of said college, and to provide libraries, apparatus, and all other needful means of imparting a full and thorough course of instruction in any or all the departments of science, literature, and the liberal arts, and to do all and singular the matters and things which may be lawful for them to do for the well-being of said college, and for the due management and ordering of the affairs thereof.

Trustees.

SECTION 2. That for the present the trustees of the said college shall be James Warrenue Sunderland, John R. Grigg, Matthias Haldeman, William B. Hahn, and Wright Bringhurst, who, or any three of them, on and after the passage of this act, shall have power to organize the said board of trustees, and after the said organization, three members of the said board shall constitute a quorum to do business at any meeting called in due form, according to the by-laws established by said board.

Trustees to fill vacancies.

SECTION 3. That the board of trustees shall have power to fill all vacancies in their own body, to appoint such officers and agents for their own body as may be deemed expedient, and to adopt and establish their own by-laws and regulations; they shall appoint a president and faculty of instruction, who shall be charged with the direction and management of the literary affairs of the college, prescribe the course of study, text books to be used, and the discipline for the government of the pupils; the president or any members of the faculty may be removed from office whenever in the opinion of the board of trustees such removal is necessary to the interests of the institution.

Faculty to confer degrees.

SECTION 4. That the faculty shall have power to confer such literary degrees and academic honors as are usually granted by colleges, upon such pupils as shall have completed in a satisfactory manner the prescribed course of study.

Appropriation of moneys.

SECTION 5. That the trustees shall faithfully appropriate all moneys and other effects that may come into their hands for the sole benefit of the said institution, nor shall any bequest or donation made to and accepted by the said board for specific educational objects, ever be diverted from the purposes designated by the donor.

Admission of pupils.

SECTION 6. That the college shall always be open to the admission of pupils of all religious denominations, who exhibit a fair moral character and are willing to yield a ready obedience to the general regulations prescribed for the conduct of the pupils and the government of the institution.

Misnomer.

SECTION 7. That no misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest, to or from the said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, will or writing, whereby any estate or interest was intended to be passed to or from the said corporation.

Proviso.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 218.

AN ACT

To authorize the commissioners of Clinton county to borrow money; authorizing the commissioners of Sullivan county to sell and convey certain real estate; relative to taxation in the borough of Lock Haven; to the treasurer of Sullivan county; incorporating the Mercer and Hendersonville plank road company; to streets in the district of Southwark; and to the Ridge Turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the county of Clinton be and they are hereby authorized to borrow any sum of money not exceeding five thousand dollars. Commissioners of Clinton co., to borrow money.

SECTION 2. That the commissioners of Sullivan county be and are hereby authorized to sell and convey by deed, under their hands and seals, that part of a certain lot of ground situate in the town of LaPorte, in said county of Sullivan, marked and numbered according to the plan of said town twenty-eight, and containing about thirty-two perches, which said lot was conveyed to the said county by deed, bearing date the eighth day of November, Anno Domini one thousand eight hundred and forty-seven, and upon the execution and delivery of such conveyance, the title and interest of the purchasers in and to the said lot of ground shall become firm and effectual, to hold to him and to his heirs and assigns in fee simple. Commissioners of Sullivan co., to sell certain property.

SECTION 3. That so much of the act to incorporate the village of Lock Haven, in the county of Clinton, into a borough, as limits the tax in any one year in said borough to one-half cent on the dollar of the valuation of the taxable property, be and the same is hereby repealed, and the town council may lay any tax therein not exceeding in any one year the sum of ten mills. Repeal.

SECTION 4. That so much of any law providing for the election of county treasurer as renders the same ineligible to re-election, be and the same is hereby repealed so far as regards the county of Sullivan, and that from and after the passage of this act it shall be lawful for the treasurer of said county of Sullivan to be elected for two terms in any term of six years, and no more. Repeal.

SECTION 5. That William M. Stephenson, James M'Kean, Jacob Mowrer, Thompson Graham, B. H. Henderson, William M'Elhenny, G. A. Stokely, Henry Hosick, Esbin Turner, Elijah Satterfield, Nicholas Mowrer, Enoch Perrine, Robert Henderson, Alexander Elder, John Carmichael, Archibald Henderson, and John Carroll, or any five of them, are hereby appointed commissioners to open books, receive subscriptions, and organize a company, by the name, style and title of "The Mercer and Hendersonville plank road company, to locate and construct a plank road from the borough of Mercer to the village of Hendersonville, in the county of Mercer, subject to all the provisions and restriction of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as the same are not inconsistent with the following sections. Commissioners. Style. Subject to the provisions and restrictions of certain act.

Capital stock.
Proviso.

SECTION 6. That the capital stock of said company shall consist of one thousand shares, at twenty-five dollars per share : *Provided*, That the said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete said road, according to the true intent and meaning of said act.

Commencement
and completion
of road.

SECTION 7. That if said company shall not commence the construction of said road within two years, and complete the same within five years, this act shall be null and void, except so far as may be necessary to settle the affairs of the company.

Commissioners
of Southwark to
borrow money.

SECTION 8. That the commissioners of the district of Southwark, in the county of Philadelphia, be and they are hereby authorized and empowered to borrow from time to time, any sum or sums of money that they may judge necessary, for the purpose of culverting or under ground draining any of the streets in said district that require such drainage, and to pledge the faith of the district for the payment of the same : *Provided*, That the concurrence of two-thirds of the commissioners of said district shall be essential to any law or ordinance to authorize such loan.

Proviso.

Ridge turnpike
company to sell
toll house.

SECTION 9. That the Ridge turnpike road company is hereby authorized to sell, on such terms as they may deem expedient, any toll house and lots belonging to them situated within the county of Philadelphia or Montgomery.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The sixth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 219.

AN ACT

Entitled "An Act to incorporate the Erie City Railroad company."

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Joseph M. Sterrett, S. W. Keefer, James Skinner, John H. Walker, N. W. Russell, John A. Tracy, John S. Brown, and P. Arbuckle, of Erie county, Pennsylvania, be and the same are hereby appointed commissioners, under the provisions of an act entitled "An Act regulating Railroad companies," passed the nineteenth day of February, one thousand eight hundred and forty-nine, with all the powers conferred by said act.

Subject to provisions and restrictions of certain act.

SECTION 2. That the name and style and title of the company Style. hereby authorized to be incorporated shall be "The Erie City Railroad company."

SECTION 3. That the said company, when duly organized, is hereby Power to con- authorized to locate, construct, and operate under the provisions of struct railroad. said act, a railroad running from a point at the Harbor of Presque Isle, in the city of Erie, to a point on the New York and Pennsylvania State line, in the township of North East, Greenfield, or Venango, in the county of Erie.

SECTION 4. That the capital stock of the said company is hereby Capital stock. authorized to consist of ten thousand shares, of fifty dollars each, and it shall be lawful for the said company, upon a vote of the stockholders at any stated or special meeting convened for that purpose, to increase the capital stock to any number of shares not exceeding in the whole twenty thousand shares.

SECTION 5. That said company be and hereby is authorized to con- Connections. neet their road at the line dividing this State from that of New York, and to form running connections with the road of any company organized under the laws of the State of New York.

SECTION 6. That the term within which said company shall com- Completion of plete and open the said railroad for use shall be five years from the road. date of the passage of this act.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 220.

AN ACT

To authorize the Governor to incorporate the Wyalusing Bridge company; relative to a State road in Bradford county; to the Philadelphia Life Insurance company; to the high constable of Strattonville, Clarion county; and to authorize the counties of Beaver and Allegheny to subscribe to the capital stock of the Cleveland and Pittsburg railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Uriah Terry, G. F. Horton, J. J. Dull, Moses Elienberger, Michael Commissioners. Mylert, Justice Lewis, George H. Wells, Henry Gaylord, C. F. Wells, junior, and B. Laporte, be and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first day of August next, procure Form of one or more books, and therein enter as follows: "We whose names subscription.

are hereunto subscribed do promise to pay to the president, managers and company for erecting a bridge over the North Branch of the Susquehanna river near the mouth of the Wyalusing creek, the sum of twenty-five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers, in pursuance of an act of the General Assembly entitled "An Act to authorize the Governor to incorporate the Wyalusing Bridge company," and shall thereupon proceed to receive subscriptions for the stock of the said company, at such times and places as they shall think proper:

Proviso.

Provided always, That every person so subscribing, in his own name or in the name of any other person, shall previously pay to the attending commissioners one dollar for every share so subscribed, out of which shall be paid the expense of taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall have been organized agreeably to the provisions of this act.

Letters patent.

SECTION 2. That when fifteen or more persons shall have subscribed four hundred shares of the said stock, the said commissioners shall certify, under their hands and seals, to the Governor of the Commonwealth, the names of the subscribers and the number of shares subscribed, and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the State, to create and erect the said subscribers, and also all those who may afterwards subscribe, into one body corporate and politic in deed and in law, by the name, style and title of "The Wyalusing Bridge company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act, and of taking, purchasing and holding, to them and their successors, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary and convenient in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do.

Organization.

SECTION 3. That the first named ten persons in the letters patent shall, so soon as conveniently may be after sealing the same, give notice in any one newspaper of the county of Bradford, of a time and place to be by them appointed, not less than twenty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers by ballot, either in person or by proxy duly authorized, one president, six managers, one treasurer, and such other officers as they may think necessary, to conduct the business of said company for one year and until other officers shall be duly chosen, and may make such by-laws, rules and regulations, not inconsistent with the laws of this Commonwealth, as shall be deemed necessary for the well-ordering of the affairs of said company: *Provided,* That each person shall be entitled to one vote for every share.

Proviso.

SECTION 4. That the said stockholders shall meet on the first Monday in January in each succeeding year, at such place as shall be fixed by the rules and regulations of the said company to be made as afore-

said, for the purpose of choosing officers as aforesaid for the ensuing year.

SECTION 5. That the president and managers first chosen shall procure printed certificates for all the shares of stock of the said company, Certificates of stock. and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each subscriber for the share or shares held by him, on paying to the treasurer the amount of such share so held, which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer, and the assignee holding such certificate, having first caused the assignment to be entered on the books of the company kept for that purpose, shall become a member of the corporation.

SECTION 6. That the president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on, for transacting their business, and at such meeting six members shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions, entered in a book, and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary to carry on their work hereby authorized, and to fix their salaries and other wages, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all moneys to pay the salaries of persons by them employed, and for materials furnished and labor done, which orders shall be signed by the president and countersigned by the clerk, and to do and transact all such other matters and things as by the by-laws, orders and regulations of the said company shall be committed to them: *Provided*, That before said company shall enter upon any land or lands for the construction of said bridge, a just and fair compensation shall be made to the owner or owners thereof, or adequate security entered therefor: *And provided further*, That said bridge shall be so constructed as not to interfere with the navigation of the river. Meetings for the transaction of business. Provide. Provide.

SECTION 7. That if any stockholder, after thirty days' notice given in one newspaper of Bradford county of the time and place of paying any instalment which may be called for, shall neglect to pay such instalment for the space of sixty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the instalment so called for, pay at the rate of two per cent. per month for every delay of such payment, and if the same and additional penalties shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons, and for such price as can be obtained therefor. Payment of instalments.

SECTION 8. That the president and managers of the said company shall keep fair and just accounts of all moneys received by them from said commissioners and from the subscribers to the said company, and of all penalties for the delay in the payment of stock, and of the amount of profit on shares that may be forfeited, as aforesaid, and also all moneys by them expended in the prosecution of said work, and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge shall have been completed, and until all the costs, charges and expenses of effecting the same shall have been fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if upon such liquidation, or whenever the stock of said company shall be nearly ex- Fair and just accounts to be kept.

pended, it shall be found that the said capital stock is not sufficient to complete the said bridge according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act or their own by-laws, to increase their number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares in like manner and under like penalties as is hereinbefore provided for the original subscription.

Property of
bridge to be
vested in the
company.

SECTION 9. That when a complete bridge shall have been erected over the North Branch of the Susquehanna river near the mouth of the Wyalusing creek, aforesaid, the property of said bridge shall be vested in the said company aforesaid, their successors and assigns, forever, and the said company, their successors and assigns, may demand and receive toll from travelers and others, not exceeding the following rates, to wit: For every carriage of whatever description used for the purpose of trade or agriculture, having four wheels and drawn by four horses, sixty cents; for every such carriage drawn by two horses, forty cents; for every carriage of whatever description used for the purposes of personal accommodation or pleasure, having four wheels and drawn by four horses, eighty cents; for every such carriage drawn by two horses, fifty cents; for every dearborn wagon and for every chair or other two-wheeled carriage of pleasure drawn by one horse twenty-five cents; for every such sleigh or sled drawn by one horse twenty cents; for every sleigh or sled drawn by two horses forty cents; for every sleigh or sled drawn by four horses eighty cents; every horse with a rider ten cents; every carriage drawn by oxen or partly by horses and partly by oxen to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated the same as a horse; for every horse without a rider four cents; for every score of sheep or swine twelve cents; for every head of horned or muley cattle two cents; and for every foot passenger four cents: *Provided*, That any person or persons attending funerals, going to or returning from divine worship, and all persons going to or returning from elections or military trainings, and students or children attending a school or seminary of learning, shall at all times be exempt from the payment of any toll.

Tolls.

Proviso.

Penalty for tak-
ing greater toll
than allowed by
this act.

SECTION 10. That if the said company, their successors and assigns, or whoever may possess or own the said bridge, shall demand or receive any greater rates or prices for passing over the said bridge than are hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall for every such offence forfeit and pay the sum of ten dollars, one moiety thereof for the poor of the townships of Asylum and Wyalusing, and the other moiety for the use of the person who may sue for the same: *Provided*, That no suit nor action shall be brought for the purposes aforesaid, unless the same shall have been instituted within six months after such offence shall have been committed.

Proviso.

Accounts of
moneys receiv-
ed to be kept.

SECTION 11. That the president, managers and company shall keep a just and true account of all moneys received by the several collectors of tolls for crossing the said bridge, and declare a dividend of the profits and income thereof among all the stockholders, deducting therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a growing fund to provide against the decay and for the re-building and repairing the said bridge, and shall on the first Monday of April and October in every year, publish the dividend of the said clear profits thereof among the stock-

holders, and give notice of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

SECTION 12. That nothing in this act contained shall be so construed as to authorize the said bridge company to exercise any banking privileges, or to issue any bank note or notes in the nature of bank notes, and the Legislature reserves the right of altering, amending, or annulling the charter: *Provided*, No injustice be done the corporators. Banking privileges prohibited.

SECTION 13. That the president and directors, instead of forfeiting shares for non-payment of instalments, are authorized to enforce the payment of all instalments due, as debts of similar amounts are recovered, as to them may be deemed best. Authority to enforce the payment of instalments.

SECTION 14. That the commissioners under the act passed April ninth, eighteen hundred and fifty-two, authorizing the laying out of a State road from Tunkhannock in Wyoming county, to Towanda in Bradford county, are hereby authorized to adopt the lowest grades practicable and attainable at a reasonable cost. Commissioners of a certain state road to adopt the lowest grade.

SECTION 15. That from and after the passage of this act, it shall be obligatory on the president, directors and company of the Philadelphia Life Insurance company to keep distinct and separate accounts of all funds accruing from life insurance and from fire insurance, in books provided for that purpose, and after having fairly apportioned the expenses of the company, all those funds which may accumulate from premiums received for life insurance shall be set aside and shall be liable for losses incurred on life risks only, and in like manner all funds that may accumulate from premiums received for fire insurance shall only be liable for losses incurred from fire risks, but nothing in this act shall be so construed or understood as to prevent the capital stock of the said company from being liable for all losses that may occur both in fire and in life insurance. President and Directors of Philadelphia life insurance company to keep separate accounts.

SECTION 16. That from and after the passage of this act, it shall be lawful for the high constable that is or may be appointed from time to time by the town council of the borough of Strattonville, in the county of Clarion, in the absence or in case of disability of the borough constable, to serve and execute all writs that may be issued by the justices of the peace of said borough by virtue of their office, and that the service or process directed by said justices to, and service as executed by said high constable, shall be lawful, to all intents and purposes. High constable of Strattonville to execute writs, &c.

SECTION 17. That the county of Beaver and the county of Allegheny, be and they are hereby authorized to subscribe to the capital stock of the Cleveland and Pittsburgh railroad company, and to make payments on such terms and in such manner as may be agreed upon by said company and the proper county: *Provided*, That the amount of subscription by Beaver county shall not exceed one hundred thousand dollars, and that the subscription of Allegheny county shall not exceed the sum of two hundred thousand dollars; the amount thereof shall be fixed and determined by one grand jury of the proper county, and upon report of such grand jury being filed, it shall be lawful for the county commissioners to carry the same into effect, by making in the name of the county the subscription so directed by said grand inquest: *Provided further*, That whenever bonds of the respective counties are given in payments of subscription, the same shall not be sold by said railroad company at less than par value, and no bond shall be in less amount than one hundred dollars: *And provided further*, That such bonds shall not be subject to taxation until the clear profit of said road shall amount to six per cent. upon the cost thereof. Beaver and Allegheny co's. to subscribe stock to the Cleveland and Pittsburgh railroad.

SECTION 18. That it shall be lawful for the counties above named subscribing to the capital stock of the said Cleveland and Pittsburgh Transfer of stocks.

Proviso. railroad company, to pay the amounts of their subscription, if agreed upon by the parties, by the transfer of stocks held by them in other incorporated companies: *Provided*, That said stock shall at the time of said transfer be yielding six per cent. interest.

Ratio of votes. SECTION 19. That in all elections of said company the stock held by said counties shall be voted on one vote for every share of stock so held by the said counties.

Moneys subscribed how expended. SECTION 20. That the money subscribed by the counties of Beaver and Allegheny shall be expended upon the line of said Cleveland and Pittsburg railroad within the county of Beaver.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

We do certify, that the bill entitled "An Act to authorize the Governor to incorporate the Wyalusing Bridge company; relative to a state road in Bradford county; to the Philadelphia Life Insurance company; to the high constable of Strattonville, Clarion county; and to authorize the counties of Beaver and Allegheny to subscribe to the capital stock of the Cleveland and Pittsburg railroad company;" was presented to the Governor on the eighteenth of March, one thousand eight hundred and fifty-three, and was not returned within ten days (Sundays excepted) after it had been presented to him, wherefore it has, agreeably to the constitution of this Commonwealth, become a law in like manner as if he had signed it.

WM. JACK,

Clerk of the House of Representatives.

JOHN M. SULLIVAN,

Clerk of the Senate.

HARRISBURG, April 7th, 1853.

No. 221.

AN ACT

To authorize the transfer of the Towanda academy to the Susquehanna Collegiate institute; and to incorporate the Washington Cemetery.

Preamble. WHEREAS, The Towanda academy, in the county of Bradford, has become out of repair and ceased to be used as an academy for a number of years:

Preamble. *And Whereas*, The Susquehanna Collegiate Institute has been located in said borough, and a very large majority in number and amount of the stockholders in said academy, and the trustees of the same, have consented in writing that the land and building belonging to the Towanda academy may be disposed of for the benefit of said institute:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees of the Towanda academy, or a majority of them, be and they are hereby authorized to transfer and convey to the trustees of the Collegiate institute of the presbytery of Susquehanna, the said academy, with the lot of ground and appurtenances thereunto belonging, and to make and execute such a deed of conveyance for the same as will vest in the said trustees of said institute a good title to the premises, in fee simple, and in case the trustees of said institute shall proceed to erect another building for the institute in said borough, they may sell said academy and lot of ground, and apply the proceeds to the erection of said new building: *Provided*, That the deed of conveyance to said Collegiate institute shall fully explain the object and intent of such conveyance, and shall contain a condition or covenant that the estate conveyed shall and be so invested in the present trustees of said academy, or their survivor or survivors, if the trustees of said collegiate institute shall fail to fulfil the object and intent of said conveyance within five years from the date thereof, and the trustees of said academy, in case of such reversion, shall hold the same for the same purposes and uses as though this act had not been enacted, and the trustees of said academy, or their survivors, shall continue as such until the period above limited: *And provided further*, That nothing in this act shall prejudice the rights of any shareholder or stockholder in said academy who may not assent to said conveyance.

SECTION 2. That Thomas Farly, Allen Kramer, Henry L. Bollman, Henry P. Schwartz, R. H. Davis, Alexander Cameron, Thomas H. Stewart, John Morrison, John Irwin, jr., George R. Riddle, William Walker, Thomas F. Dale, D. N. White, John Irwin, William M. Bell, Henry Irwin, James L. Graham, R. B. Mowry, C. W. Benney, James M'Candless, John T. Logan, Nelson Campbell, and James Park, jr., be and their successors are hereby created a body politic in law, under the name and title of "The Washington cemetery," and by that name shall have perpetual succession, and be capable in law to sue and be sued, with all other powers and privileges as have already been granted to the Allegheny cemetery, in Allegheny county, by the act incorporating said Allegheny cemetery, passed April the twenty-fourth, one thousand eight hundred and forty-four.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The seventh day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 222.

AN ACT

To incorporate the Penns Plank Road company; annexing the county of Clinton to the middle district of the Supreme Court; defining the limits of the borough of Lock Haven; relative to the appointment of high constable in Williamsport; authorizing the commissioners of Clinton county to sell certain lots; authorizing the town council of the borough of Lock Haven to construct draw-bridges across the canal in said borough; relative to a private road in Lycoming county; repealing the act authorizing the town council of the borough of Easton to subscribe for stock to the Philadelphia, Easton and Water Gap railroad company; and changing the mode of voting in Greene county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That J.*

Commissioners. M. B. Petriken, Robert Hawley, Thomas Maxwell, William Michael, T. W. Lloyd, Jacob Opp, of Lycoming county, or any three of them, be and they are hereby appointed commissioners to open books, receive

Style. subscriptions, and organize a company by the name, style and title of "The Penns Plank Road company," with power to construct a road, part plank and part turnpike, or all plank or turnpike, from the northeast corner of canal basin in the borough of Muncy; thence by the

Location. nearest and best route to the borough of Hughesburg, in the county of Lycoming, subject to all the provisions and restrictions, and with all

Subject to provisions and restrictions of certain act. the powers and privileges, contained in an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the supplements thereto, except where the provisions of the same shall conflict with this act: *Provided*, That the said company shall have the

Proviso. right to make use of the whole or any part of the public roads between the points specified, and locate their road upon the ground now occupied by such road or roads, and it shall be lawful for the court of quarter sessions of said county to appoint viewers to vacate such road or roads as may be rendered useless by the road of said company.

Capital stock. SECTION 2. That the capital stock of said company shall consist of

Proviso. four hundred shares of twenty-five dollars per share: *Provided*, That the said company may from time to time, by a vote of the stockholders, called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and carry out the true intent and meaning of this act.

Shares of stock to be certified to Governor. SECTION 3. That when five or more persons shall have subscribed ten per centum on the above capital stock of said company, or when the whole number of shares authorized shall be subscribed, the said commissioners shall certify, under their hands and seals, the number of shares subscribed by each, to the Governor of the Commonwealth, as is provided by the second section of the above act regulating turnpike and plank road companies: *And provided*, The officers of said company shall consist of one president, three managers, and such other officers as may be deemed necessary to conduct the business of said company.

Tolls. SECTION 4. That the said company shall have power to collect the tolls provided for in the thirteenth section of the said act of the twenty-sixth day of January, Anno Domini one thousand eight hundred and

forty-nine: *Provided*, That for every loaded cart or wagon the said company shall be permitted to charge six cents for every horse drawing the same; the managers shall have power to lessen the tolls whenever they shall deem it necessary for the well-being of the company, or the community at large.

SECTION 5. That if the said company shall not commence their road within three years from the passage of this act, and complete the same within five years thereafter, then this act shall be null and void, except so far as it may be necessary to wind up the affairs of said company. Commencement and completion of road.

SECTION 6. That the county of Clinton be and is hereby annexed to the middle district of the Supreme Court of Pennsylvania, and all records from said county, in pursuance of writs of error now or hereafter taken, shall be made and returned to said district. Clinton co., annexed to middle district of supreme court.

SECTION 7. That hereafter the borough of Lock Haven, in the county of Clinton, shall be bounded and limited as follows: Beginning at the intersection of the east side of Hanna street with the west branch of Susquehanna river at low water mark; thence by the line of land of Nathaniel Hanna to its intersection with the south side of Jerry's alley; thence along the south side of Jerry's alley north seventy-nine degrees west (N. 79° W.) two hundred and ninety-five perches (295 P.); thence north eleven degrees east (N. 11° E.) to the river at low water mark; thence down the said river along low water mark to the place of beginning; and all streets and alleys not embraced within said limits, and all that part of the State road in said borough from Water street to Vesper street, be and the same is hereby vacated. Limits of the borough of Lock Haven.

SECTION 8. That the commissioners of the county of Clinton be and they are hereby authorized and empowered to sell at public or private sale, and convey to the purchaser or purchasers, by deed in fee simple, under their hands and common seals, all that certain lot of ground in the borough of Lock Haven, in the county of Clinton, in the western addition of said town known as lot number twenty-two with the buildings thereon erected; also lots numbered one hundred and twenty-nine and one hundred and thirty on the original plan of said town, with the buildings thereon erected. Commissioners of Clinton co., to sell a certain lot.

SECTION 9. That it shall be lawful for the burgess and town council of the borough of Williamsport, in the county of Lycoming, to appoint from time to time one or more high constable or constables for said borough, which high constable or constables so to be appointed, shall have all the powers and authority heretofore conferred on the high constables elected by the citizens of said borough, and so much of any law as provides for the election by the citizens of a high constable for said borough, be and the same is hereby repealed. Burgess and town council of Williamsport to appoint constables.

SECTION 10. That the town council of the borough of Lock Haven be and they are hereby authorized to construct draw-bridges over the canal in said borough, on such streets as they may deem proper: *Provided*, The same be made so as to not obstruct the navigation of said canal. Town council of Lock Haven to construct draw bridges.

WHEREAS, Friend Whitlock and other persons, petitioned the court of quarter sessions of Lycoming county for a private road, commencing about two and a half miles from Charles Drum's, on the public road leading to the Block-house at or near West Branch, commonly called the Lick branch of Trout run; thence to the south lines of a track of land in the warrantee name of Hewes and Fisher, which road was reported and confirmed, and none of the petitioners being interested in said road excepting only the said Friend Whitlock and Emmor Haines, Preamble.

they the said Friend Whitlock and Emmor Haines, opened and built the said road at a large cost and expense :

Preamble.

And whereas, The said Friend Whitlock sold his right and interest therein to Frederick R. Weed ; therefore,

SECTION 11. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the said private road shall be for the exclusive use and benefit of the said Frederick R. Weed and Emmor Haines, their heirs and assigns, and that all persons injuring or using the same without the consent of the said Frederick R. Weed and Emmor Haines, or their heirs or assigns, shall be liable to them for damages as in other cases of trespass. *quare clausum fregit : Provided, however,* That other persons may entitle themselves to the use of said road by paying an equal proportion of the original cost of opening and building the same, and contributing to the keeping of the same in good repair, to be settled by viewers, as in other cases of private roads.

Private road for use of Frederick R. Weed and Emmor Haines.

Repeal.

SECTION 12. That the act passed the sixth day of May, one thousand eight hundred and fifty-two, authorizing the town council of the borough of Easton, Northampton county, to subscribe for stock to the Philadelphia, Easton and Water Gap railroad, is hereby repealed.

Repeal.

SECTION 13. So much of an act entitled "An Act relative to voting at elections in the counties of Adams, Dauphin, York, Lancaster, Cumberland, Bradford, Centre, Greene and Erie," approved the twenty-seventh day of February, one thousand eight hundred and forty-nine, be and the same is hereby repealed so far as relates to the county of Greene.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and fifty-three.

WM. BIGLER

No. 223.

AN ACT

For the relief of Joseph C. Smith.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Canal Commissioners be authorized and required to examine the claims of Joseph C. Smith, of Chester county, for damage sustained by the burning of his barn by fire from a locomotive engine on the Philadelphia and Columbia railroad, in the month of July, one thousand

eight hundred and fifty-one, and if they shall ascertain that the fire was caused by sparks from a locomotive engine belonging to the Commonwealth, to report the amount to the Legislature.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The seventh day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 224.

AN ACT

To incorporate "The Pennsylvania Training School for Idiotic and Feeble Minded Children."

WHEREAS, A number of citizens of this Commonwealth have associated themselves together for the purpose of establishing a school for the mental, moral and physical education of children of idiotic and feeble mind, and the better to carry their design into effect, have petitioned the Legislature to grant them a charter of incorporation; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Alonzo Potter, John K. Kane, J. B. Richards, Matthias W. Baldwin, Jacob G. Morris, Isaac Collins, Alfred L. Elwyn, James Martin, Alexander Fullerton, and Franklin Taylor, and their associates and successors, be and they are hereby made a body politic and corporate in law, by the name and style of "The Pennsylvania Training school for Idiotic and Feeble Minded Children," and that as such they shall have all the corporate rights and powers which are now by law vested in the Pennsylvania institution for the deaf and dumb, so far as the same are now applicable or are not by this act modified.

SECTION 2. That the essential and only object of the said corporation shall be the mental, moral and physical education of idiotic and feeble minded children, and that the officers thereof, until otherwise directed by the by-laws, shall be a president, six vice presidents, a secretary, a treasurer, and twelve directors, who shall conduct the business of the corporation, five being a quorum, and that none of the officers of the corporation, nor any of the said corporators saving only the secretary and the treasurer, shall at any time receive any fee or reward for their services whatsoever.

SECTION 3. That the said corporation shall meet for the enactment of by-laws and the election of officers, at the Athenæum building in the city of Philadelphia, on the first Monday of May next, at four o'clock in the afternoon, and that at the said election the vice presidents

and directors to be chosen shall be arranged in three equal classes, of two vice presidents and three directors each, the said classes to serve respectively for one, two and three years, and that the corporation shall thereafter meet annually on the second Wednesday of February, at such hour and place as they may designate beforehand, then and there to transact all needful business, and furthermore to elect a president, a secretary and a treasurer for one year, and two vice presidents and four directors for three years, and that at the meetings and elections of the said corporation, whether stated or special, such of the members as shall attend thereat shall be a quorum: *Provided, however,* That the corporation shall not at any time be dissolved by reason of a failure to hold the annual meeting or to elect officers, but such meetings and elections may be held one calendar month thereafter, on ten days' public notice, and in the meantime the officers in place shall continue to act.

Proviso.

Admission of
new members.

SECTION 4. That the terms and manner of admitting new members into the said corporation, the amount of contribution payable by the members thereof annually, and for life, the manner of calling special meetings, and the duties of the officers of the same, whether herein named or hereafter to be provided for, shall be such as may be prescribed by the by-laws.

Appropriation.

SECTION 5. That the sum of ten thousand dollars be and the same is hereby appropriated towards the purchase of grounds and the fitting up of a suitable building or buildings for the uses of the said corporation, to take effect when a like sum shall be subscribed by other responsible contributors, and a further sum of ten thousand dollars is hereby appropriated to said objects, to take effect when a further sum of ten thousand dollars shall be contributed by others, as aforesaid, the said sums to be paid by the State Treasurer upon the warrants of the Governor, to be drawn for amounts equal to the aggregate payments made from time to time by such other contributors: *Provided,* That not more than ten thousand dollars shall be drawn from the treasury within one year after the passage of this act.

Proviso.

When annual
contributions by
the Common-
wealth to
commence.

SECTION 6. That when said institution shall have been organized and buildings prepared for the reception of pupils, the Commonwealth will contribute annually the sum of two hundred dollars for each and every indigent pupil of this State, not exceeding twenty in number, who may be received into the institution of the said corporation and there maintained and instructed: *Provided,* That the pupils to be admitted under the provisions of this section shall be apportioned among the several counties of the Commonwealth, as nearly as practicable according to their representation in the House of Representatives: *And provided further,* That no pupil shall be taught and maintained at the expense of the Commonwealth for a term exceeding five years.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The seventh day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 225.

AN ACT

For the relief of Sarah Louther, widow of David Louther, a soldier of the revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorized and directed to pay Sarah Louther, of Westmoreland county, widow of David Louther, a soldier of the revolutionary war, or her order, an annuity of forty dollars, in half yearly payments, to commence on the first day of January, Anno Domini one thousand eight hundred and fifty-two.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eight day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 226.

AN ACT

To incorporate the president and managers of the Belmont Avenue and Plank Road company in Philadelphia county; and to construct a road on the line of the old Columbia or inclined plane railroad; relative to the Bloomsburg and Columbus turnpike and plank road company; to the controllers of the public schools of the first school district; to the Northern Liberty Fire Engine company; to dog tax in certain townships in Bucks county; to the real estate of Nathan Davidson, deceased; authorizing the Philadelphia, Germantown and Norristown railroad to increase their capital stock; to justices of the peace in Centre county; and to change the venue in a certain suit from Potter county to the county of Tioga; and authorizing the Canal Commissioners to open and turnpike a certain street in the borough of Columbia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Owen Jones, Eli K. Price, W. D. Kelly, Algro S. Roberts, J. Smith, Commissioners Joseph L. Skinner, J. L. Hancock, William George, James Miller, D. Anvilliers, Robert Evans, Daniel Rhoads, Samuel Martin, and John H. Gheen, be and they are hereby appointed commissioners, to open books, receive subscription, and organize a company, by the name, style Style.

- and title of "The Belmont Avenue and Plank Road company," with power to construct and locate a plank road, or a road partly of plank and partly of other materials, from a point on the Lancaster turnpike near the two mile stone to or near the intersection of the old Columbia railroad and the monument road, by the most direct route, and thence by the best and most convenient route to the falls of Schuylkill bridge.
- Location.** SECTION 2. That the said company may, if they deem proper, use any road that may be traversed or crossed in the route aforesaid: *Provided*, That the width of their avenue or plank road shall not be more than sixty-six feet, except where embankments or excavations may make a greater width necessary.
- Width of road.** SECTION 3. That the capital stock of the said company shall consist of three hundred shares, of fifty dollars each, and should the amount be insufficient to complete the road, the said company may from time to time, at meetings of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion shall be requisite to complete the said road according to the true intent and meaning of this act.
- Capital stock.** SECTION 4. That said company shall have all the powers and be subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as the same are consistent with this act: *Provided*, That the said company shall be entitled to charge and collect tolls whenever two miles of said road shall be completed.
- Subject to provisions and restrictions of certain act.** SECTION 5. That if said company shall not commence the construction of said road within one year from the passage of this act, and complete the same within three years thereafter, this act shall become null and void, except so far as to wind up the affairs of said company, collect the debts due to and pay the debts due by the same: *Provided*, That in such case the road commissioners of Blockley township, or their successors, shall take charge of and keep said road in good repair, in like manner with other highways in said township.
- Proviso.** SECTION 6. That it shall be the duty of the road commissioners of Blockley township, Philadelphia county, to lay out, open, construct, and keep in repair a public road or highway, on or near the site of the old Columbia or old inclined plane railroad, from the river road near the foot of said inclined plane to the intersection of the Philadelphia county line road and the Ford road, or road leading from the Schuylkill below the falls to the old Lancaster road: *Provided*, That any ground that may be required therefor other than the site of said railroad, or other than the owners may dedicate to such public use, shall be compensated to the owners thereof on petition and assessment, as in the case of other roads by the commissioners of the county of Philadelphia.
- Commencement and completion of road.** SECTION 7. That so much of the old road leading from the falls of Schuylkill to the said Ford road as has been avoided by the new road leading to the falls of Schuylkill bridge to the same, be and is hereby vacated.
- Proviso.** SECTION 8. That the fifth section of an act entitled "An Act to incorporate the Bloomsburg and Columbus turnpike and plank road company; relating to elections and election districts in certain counties, &c" approved the third day of May, one thousand eight hundred and fifty-two, be and the same is hereby repealed.
- Duties of road commissioners.** SECTION 9. That from and after the passage of this act, it shall be the duty of the controllers of the public schools of the first school dis-
- Repeal.**
- Duties of constables of first**

trict of Pennsylvania, to report to the county commissioners annually, on or before the first day of May, the amount of money which they may deem necessary to defray the expenses of the first school district of the State of Pennsylvania for the current year, and the county commissioners shall ascertain the per centum upon the amount of the county assessment which will produce the sum required by the controllers, and shall as soon as may be, prepare the necessary duplicates and place them in the hands of the collectors elected or appointed under existing laws to collect the State and county taxes, who are hereby directed to collect and pay the same to the county treasurer, in like manner as they are now required to collect and pay to the county treasurer the State and county taxes, and the said collectors are hereby clothed with the same authority for the collection of the school tax as is now vested in them for the collection of the State and county taxes.

SECTION 10. That the county treasurer is hereby required to keep a separate account of all moneys received from the collectors of school taxes, and pay thereout all orders that are drawn on him by the controllers of public schools of the first school district of Pennsylvania; he shall make monthly reports to the controllers of the State of the school accounts, of taxes received, the amount of orders paid, and the balance in his hands, and shall, when required by resolution of the board of controllers, exhibit to them or a committee thereof, his books, with the vouchers for his receipts and payments; all laws inconsistent herewith be and the same are hereby repealed.

SECTION 11. That it shall be lawful for the Northern Liberty fire engine company of the district of the Northern Liberties in the county of Philadelphia to ring their alarm bell in case of alarm of fire, any law to the contrary notwithstanding: *Provided*, The commissioners of the district consent to the same.

SECTION 12. That from and after the passage of this act, the provisions of an act of Assembly entitled "An Act laying a tax on dogs in certain townships in Chester county," and approved the eleventh day of March, one thousand eight hundred and fifty, be and the same are hereby extended to the townships of Falls, Middletown, Newtown, Lower Makefield, and Upper Makefield, in the county of Bucks.

SECTION 13. That the executors of the last will and testament of Nathan Davidson, deceased, or the survivors or survivor of them, be and they are hereby authorized to sell and dispose of, either in fee simple or for any other or lesser estate, or upon ground rent, and at public or private sale, all or any portion of the improved or unimproved real estate of the said Nathan Davidson, both improved and unimproved, together, and in such lots, parts and portions, as they may deem proper, for cash or on credit secured by a mortgage on the premises, or both, and convey the same to the purchaser or purchasers, free from the trusts contained in said will, and without any liability on the part of such purchaser or purchasers to see to or be responsible for the application of the purchase money: *Provided*, nevertheless, That before the said sale shall be completed, the same shall be approved by the orphans' court of the county of Philadelphia, and said executors, or the survivors or survivor of them, shall give such security as the said court shall direct, by bond or otherwise, for the application of purchase money, or other consideration, according to the uses, intents and purposes declared and expressed in the said last will and testament of the said Nathan Davidson: *And provided further*, That in case of any such sale or sales, the said purchase money shall be invested, managed and held by said executors, for the uses and purposes, and

school district
of Penna.

County treasurers to keep
separate accounts.

Northern Liberty fire engine
company to
ring alarm bell.

Provisions of
certain act taxing
dogs extended
to certain
townships.

Real estate of
Nathan
Davidson.

Proviso.

subject to the same trusts, as are expressed in said bill in relation to the several and respective estates so as aforesaid sold.

Philadelphia
Germantown
and Norristown
railroad com-
pany to increase
capital.

SECTION 14. That the board of directors of the Philadelphia, Germantown and Norristown railroad company, shall be and they are hereby authorized to make an addition to the capital of the said company, and for that purpose to sell any number of shares of the additional stock hereby authorized, at a price not less than the par value thereof, and not exceeding altogether the number of twelve thousand shares, and for such portion thereof as may from time to time be sold they are authorized to issue certificates in the usual form, and the said additional stock shall be in all respects the same as the stock of the said company under existing laws.

Appropriation
of proceeds.

SECTION 15. That the proceeds of the said additional stock, or so much thereof as shall be necessary for such purposes, shall be and the same are hereby appropriated for the expenses of making the double track required by the act to incorporate the said company, and for the payment of the loans, debts and liabilities of the said company now existing, or that may hereafter be incurred.

When provis-
ions to go into
effect.

SECTION 16. That the two next preceding sections of this act shall not go into effect until its provisions shall be approved by a majority of the stockholders present or duly represented, at a meeting called for such purpose, after thirty days public notice in two newspapers published in the city of Philadelphia.

Repeal.

SECTION 17. That so much of any act or acts of Assembly as are hereby altered, supplied, or are inconsistent herewith, shall be and the same are hereby repealed.

Provisions of
certain act ex-
tended.

SECTION 18. That from and after the first day of April next, the provisions of an act entitled "An Act relative to the duties of justices of the peace for the counties of Washington and Montgomery, are hereby extended to the county of Centre.

Change of venue
from Potter to
Tioga county.

SECTION 19. That a certain case now pending in the court of common pleas of Potter county, number eleven of March term, eighteen hundred and fifty, in which E. W. Bishop is plaintiff and N. L. Dike is defendant, be and the same is hereby removed to the court of common pleas of Tioga county, as well for the trial by the court of all rules now pending in said cause, as for the trial of all issues formed or to be formed in said case by a jury or juries of Tioga county, aforesaid, together with the record of said cause, and all papers relating thereto, and that the said court is hereby authorized to proceed to trial, verdict, and judgment and execution, as the said court of Potter county in which the same is pending could or might do: *Provided*, That final judgment on said issue or issues shall be subject to writ or writs of error, as in other cases, and in case of a removal of the same to the supreme court, and a venire facias de novo awarded, the same shall be transferred for trial in Tioga county, in the same manner as hereinbefore provided.

Canal commis-
sioners to turn-
pike a certain
street in
Columbia.

SECTION 20. That the Canal Commissioners be and hereby are required to open and turnpike a street in the borough of Columbia, on the site of a fourteen feet wide alley now running north from Walnut street, between Front and Second streets in said borough, said street to be of the same width of Walnut street, aforesaid, and to extend northwardly until it enters the Columbia and Marietta turnpike, in the borough aforesaid: *Provided*, That the said commissioners can obtain sufficient for the site of said street from Samuel B. Heise, who owns the adjoining lands, without cost or charge for damages, and also the

property, or so much thereof as may be necessary, belonging to Thomas Collins, and fronting on Walnut street aforesaid, at a reasonable price, not to exceed in any event the sum of two thousand dollars.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 227.

A SUPPLEMENT

To an act entitled "An Act to prevent the continuance or establishment of obstructions to the navigation of the river Delaware," approved March twenty-ninth, one thousand eight hundred and nineteen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the first section of the act entitled "An Act to prevent the continuance or establishment of obstructions to the navigation of the river Delaware," approved March twenty-ninth, one thousand eight hundred and nineteen, as is construed to authorize the courts of quarter sessions to erect dams in said river, is hereby repealed: *Provided,* The State of New Jersey repeals the act concurring with the said act of nineteenth of March, one thousand eight hundred and nineteen.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 228.

AN ACT

To authorize the Burgess and Town Council of the borough of Indiana to assess and collect a special tax, to pay for land damages, right of way, and depots, for the extension of the Pennsylvania railroad from the borough of Blairsville to the borough of Indiana, in the county of Indiana; relative to pavements in Hollidaysburg; to the sale of a burial ground in Kensington, Philadelphia county, to the New York and Washington Printing Telegraph company; and to the estate of Charles Wharton, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the burgess and town council of the borough of Indiana be and they are hereby authorized and empowered to assess and collect as a special tax, upon and from all property in said borough liable to county rates and levies, such amount of tax as may be necessary and required to pay for land damages, right of way, and all incidental expenses for and respecting depots, water stations, and right of way for the extension of the Pennsylvania railroad from the borough of Blairsville to the borough of Indiana, in said county: *Provided*, That the amount of tax so assessed shall not exceed three per centum upon the valuation of the aforesaid property in any one year.

Special tax in
the borough of
Indiana.

Paving and
curbing side
walks in the
borough of Hol-
lidaysburg.

SECTION 2. That the town council of the borough of Hollidaysburg shall have full power and authority to require by ordinance or resolution, the owners of lots within said borough to curb and pave the sidewalks in front and adjoining their respective lots, at such grades as may be established by the street commissioners of said borough, and to keep such pavements as are now made, and which shall hereafter be made, in good order and repair.

High constable
to give lot
owners notice.

SECTION 3. That whenever the town council of the borough of Hollidaysburg shall by ordinance or resolution, require the owner or owners of any lot or lots, or land, in said borough, to curb or pave or repair the pavements on the sidewalks, in front of or bounding on his, her or their lot or lots, or land, it shall be the duty of the high constable of said borough to give to the owner or owners of said lot or lots, or land, notice of such ordinance or resolution, in writing, which shall be served by the delivering thereof to such owner or owners personally, or by putting up the same at the dwelling house or other conspicuous place on said lot or lots, or land, and the affidavit of said constable shall in all cases be evidence of the service of such notice.

In case of ne-
glect, duties of
town council.

SECTION 4. That when the owner or owners of any lot or lots, or land, in said borough, shall neglect or refuse to curb or pave or repair the pavements or the sidewalks adjoining his, her or their lot or lots, or lands, on being duly required so to do, it shall be lawful for said town council, after the expiration of twenty days from the service of the notice aforesaid, to purchase and procure materials for such curbing, paving or repairing, and cause the same to be put up, erected and made, at the proper cost and expense of said owner or owners, and on the completion thereof, or within six months thereafter, the said town council may file a claim in the corporate name of said borough, against said owner or owners, in the prothonotary's office of Blair county, for the cost and expense

of such curbing, paving or repairing, duly certified by the burgess of said borough, and such claim shall be and remain a lien on said lot or lots, or land, of like effect, and may be recovered in like manner, as the liens of mechanics and material men under the existing laws of this Commonwealth: *Provided, nevertheless,* That such costs and expenses shall remain a personal charge against said owner or owners, and may be recovered by personal action against him, her or them, in like manner as debts of like amount are by law recoverable.

SECTION 5. That the German Reformed congregation in the Northern Liberties of the county of Philadelphia, be and they are hereby authorized to sell and dispose of the burial ground and lot belonging to them, situate on Brinton (now Howard) street and Hope alley, (now Hope street,) between Franklin and School streets, in the district of Kensington, county of Philadelphia, either in whole or in such parts and portions as they may deem proper, said sale or sales to be made in fee, upon ground rent, or on lease, and without any liability on the part of any purchaser to see to the application of any purchase money, or any payment made in extinguishment of any ground rent, so to be reserved, and it shall be the duty of said congregation to cause to be removed and re-interred in some burial ground in the county of Philadelphia, the bodies which may have been buried in said ground, within sixty days after said sale or sales.

SECTION 6. That the New York and Washington printing telegraph company shall have authority to keep up and erect a line or lines of telegraph wires or conductors through this State, from the border of the State of New Jersey, through Philadelphia, to the border of the State of Delaware, along, upon, or under, any of the public roads and highways, or across, through, or under, any of the public waters, and also along, over, or under, any other land within the limits of this State, by the erection of masts, poles, posts, and other necessary fixtures for sustaining the wires or conductors of such line or lines, and by suspending such wires or conductors thereon, or by constructing, establishing, and maintaining, lines of wire or conductors upon or under the ground or under water, with or without tubes or covering, or by any other means, which may from time to time be deemed most expedient by the said company, and such company shall be authorized to select and adopt from time to time, in addition to or in the lieu of the original route or routes selected by them, another or other eligible route or routes for their line or lines, and also to construct and maintain any side lines or other additions thereto, and also to add to the number of wires or conductors, and repair, amend, improve, and maintain such line or lines, and such additions thereto: *Provided,* That such line or lines in no case be constructed so as to incommode the public use of said road or highway, or injuriously interrupt the navigation of said public waters, and said corporation shall make full compensation to the owners and occupiers of the lands taken or used for the purpose aforesaid.

SECTION 7. That if the said company shall not have previously agreed with the owners and occupiers of any land through, upon, under, or over which the telegraph line or lines constructed or owned by such association do or shall pass, for the price of compensation to be paid by such company for the use of such land, or the damage done, or which may be done thereto, it shall or may be lawful for the said company, or such owners and occupiers, or any or either or them, to apply to the court of common pleas of the county in which such lands are, by petition, in that manner provided by the sixth section of an act entitled "An Act to incorporate the Atlantic and Ohio telegraph com-

German Reformed congregation in Northern Liberties to sell burial ground.

New York and Washington printing telegraph company to erect lines through this State.

Use of land and settlement with owners.

pany," approved the twenty-fourth day of March, one thousand eight hundred and forty-nine, and thereupon such proceedings shall be had for the purpose of ascertaining the amount to be paid to such owners and occupiers, and to secure the payment of the same, as are provided by the said act.

Penalty for injury.

SECTION 8. That if any person shall willfully or knowingly break, injure, destroy or interrupt the telegraph and communications, or any part thereof, or any work, erection, edifice, structure or device, or any part thereof, erected by said company, or to be erected by them, in pursuance of this act, he, she, or they, shall pay said corporation one hundred dollars for said offence, and shall be further liable for all damages which the said corporation may suffer in repairing the injury, and from the interruption of their business, to be recovered in an action of trespass, and if any person incurring the penalty aforesaid, shall, through insolvency or other cause, be unable or fail to pay the penalty or damages aforesaid, and shall a second time commit trespass upon said lines, or any part thereof, to an imprisonment in the county jail, of not less than one month nor more than six months.

Account to be rendered to Auditor General.

SECTION 9. That the said company shall render to the Auditor General a correct account of the cost of their works within this State, and the stock of said company, in amount equal to such cost, shall be subject to taxation, in the same manner and at the same rate as the stock and dividends of telegraph companies incorporated by the laws of this State are subject.

Estate of Charles Wharton.

SECTION 10. That so much of the second section of the act approved on the ninth day of April, Anno Domini one thousand eight hundred and forty, entitled "An Act to amend an act entitled," et cetera, as declares that the annual rent or rents to be reserved on the conveyance of all or any of the lots of ground devised by Charles Wharton in trust for the use of his late daughter, Sarah R. Craig, deceased, her husband and children, shall be redeemable or extinguishable within any number of years not less than ten years from and after the execution of the conveyance by which the said ground rents were reserved respectively, be and the same is hereby repealed, and all such annual rents as have heretofore been reserved by the trustees or trustee of the said estate, shall be redeemable at any time within ten years from the date of the conveyances by which the same were created respectively: *Provided*, That nothing herein contained shall invalidate any release heretofore executed by the said trustees or trustee, of any annual rent or rents heretofore reserved, but the same are hereby confirmed, as if the said act had been originally enacted.

Duties of trustees.

SECTION 11. That in addition to the modes of investment specified in said act, of and concerning the money to be paid on the redemption or extinguishment of any of the said rents, it shall be lawful for the said trustees or trustee to invest such money under the authority of the orphans' court, as therein directed, in the purchase of real estate, to be held by the said trustees or trustee upon the like trusts as are mentioned and declared in the will of the said Charles Wharton, relative to the real estate so as aforesaid devised in trust for the said Sarah R. Craig, her husband and children.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,

Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 229.

A FURTHER SUPPLEMENT

To the act entitled "An Act to incorporate the Swatara and Good Spring creek Railroad company," approved second day of April, Anno Domini one thousand eight hundred and thirty-one; to incorporate the Lutheran Church of Lewisburg; and relative to certain drains in Selinsgrove, Union county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Swatara railroad company, be and they are hereby authorized, if they deem it expedient, to pay to the shareholders of the same, in the month of May and November of each year, six per centum, in money or certificates of capital stock, upon the amount of the capital stock which has been subscribed, or may hereafter be subscribed, and shall credit all the profits or earnings of the said railroad annually to the cost of construction, and shall charge all interest thus paid to the same account, and to continue to pay the same until said road, extension or branches which are now made, or may hereafter be made, shall be completed and dividends declared out of the profit or earnings, as provided for in the original act: *Provided,* That the interest, as aforesaid, shall not be paid upon any share of stock upon which any instalment which has been called in remains unpaid. President and managers of the Swatara railroad to pay shareholders interest.

SECTION 2. That at elections of the said company each share of stock shall be entitled to one vote for each share of stock which has been standing on the books of said company, at least thirty days prior to said election, in the name of the said stockholder, and that absent stockholders may vote by proxy, to be dated and executed not less than ten days prior to said election, and that the annual election for officers for said company may be held and statement made in the month of January instead of the month of December. Ratio of votes.

SECTION 3. That it may be lawful for the said company to place any number of trucks or cars upon their road suitable for carrying coal or other articles, and may charge for the use of the same at the rate not exceeding one cent per ton per mile on coal, iron ore, lime, limestone, or stone, and may charge such rates of toll per mile on other articles as the president and managers may direct: *Provided further,* That all existing laws inconsistent with the foregoing sections are hereby repealed. May place any number of trucks or cars on road.

SECTION 4. That a corporation is hereby created which shall be called by the name, style and title of Christ's Evangelical Lutheran Church and Congregation of Lewisburg, Pennsylvania," and by the same name the present members, and all who shall hereafter become members, shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and the trustees hereinafter named and their successors, shall be able and capable in law and equity to take and hold, to them and their successors, for the use of the said church and congregation, lands, tenements, goods and chattels, of whatsoever kind, nature, or quality, real, personal, or mixed, which is now or hereafter shall become the property of Corporation.

Privileges.

the said church and congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, from any person or persons whomsoever capable of making the same, and the same, by and with the advice and consent of a majority of the members of said church and congregation, expressed at a regular meeting present, shall grant, bargain, sell, or dispose of, for the use of the members of the said church and congregation, and to erect any building for the purpose of worship, or for a parsonage, and to alter and enlarge the same, as may be directed by a majority of the members of the church and congregation that may be present at a meeting for that purpose, of which said meeting at least ten days notice shall be given from the pulpit or clerk's desk, at a regular meeting of the congregation for worship, and to carry into effect any contract which may have been made for a site for the erection of a meeting house or other buildings, by the building committee of said church, and to collect all sum or sums of money which have or may hereafter be subscribed by any person or persons, for the erection of the said buildings, and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the secular affairs thereof: *Provided*, That the clear yearly value and income of said estates shall not for any time exceed three thousand dollars: The trustees of said church and congregation shall be five in number, and till others are elected shall consist of the following named persons: Jonathan Spyker, John Gundy, Levi Sterner, John Kling, William C. Painter, to continue in office until the first Monday in January, Anno Domini eighteen hundred and fifty-four, and on that day, and on the same day annually thereafter, the members of the said church and congregation may, at any general meeting thereof for that purpose, elect by ballot five persons to serve as trustees for the ensuing year and till others are elected; if vacancies by death or otherwise shall happen in the office of trustees, the remaining trustee or trustees may appoint others to supply such vacancies until the next annual election after such vacancy or vacancies happen: The said trustees and their successors shall, the first meeting after their election, appoint a president, secretary and treasurer, who shall perform the usual duties incumbent on such officers, and the said trustees, thus organized, shall have full power to make and enact and enforce such by laws and ordinances as they shall think proper to enact for the regulation and transaction of the secular business of the church and congregation, and at pleasure again to repeal the same, and to make, have, and use a common seal, and the same to break, alter and renew at pleasure; if the members of the church and congregation omit or neglect on the day of the annual election to hold their election, the corporation shall not thereby be dissolved, but a majority of the trustees may appoint any subsequent time at which the election may be held: *Provided*, That ten days notice of said election be given, as aforesaid: *And provided, also*, That the said by-laws and ordinances shall not be inconsistent with the constitution and laws of this State or of the United States.

Proviso.

Officers.

Proviso.

Proviso.

Commissioners
to keep drain
open.

SECTION 5. That the commissioners appointed by an act passed February eighteenth, eighteen hundred and forty-eight, entitled "An Act authorizing the construction of a culvert or drain through the streets of Selinsgrove, in Union county," are hereby authorized to keep said drain or culvert open at all times to allow free passage to the water, and that they have privilege and full power to prevent any person from interfering with or injuring said drain, and any person so interfering with or injuring said drain to be subjected to a penalty, not less than ten dollars nor more than fifty dollars, at the discretion of the justice

of the peace before whom they may be brought, such penalty to be recoverable as other debts are now by law recoverable, and to be paid over to the school fund of the township of Penns.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 230.

AN ACT

To incorporate the Old Fellows' Hall Association of Mifflinburg, Union county; repealing the Auction laws of the borough of Pottsville; the place of holding elections in the borough of Schoylkill Haven; the Delaware county Mutual Protection company; and changing the place of elections in Upper Saucon and Lower Milford townships, in Lehigh county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Getgen, Joseph H. Leisenring, C. H. Hassenplug, John M. Stayman, James W. Simington, A. J. Crotzer, John Weirick, George Boop, A. Frederick, E. N. Weirman, George Schoch, Cornelius Pellman, David W. Pellman, Charles Crotzer, Charles H. Schriener, O. P. Katherman, and others, members of Crescent Lodge number one hundred and seventy-nine, Independent Order of Odd Fellows, at Mifflinburg, in the county of Union, and their successors, and all persons who may hereafter be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Odd Fellows' Hall Association of Mifflinburg, in the county of Union," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, and shall be able and capable in law and in equity to take and to hold, to them and their successors, either by gift, grant, devise, or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association, and any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise, or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain, and sell, lease and mortgage, for the use or benefit of the said association, and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the affairs of the said association: *Provided,* That the real estate

Style.

Privileges.

Proviso.

of which the said corporation shall be at any time possessed of shall not exceed the clear yearly value of three thousand dollars.

Object.

SECTION 2. That the object of the said association shall be to provide, erect and furnish a hall, or suitable building or buildings, in the town of Mifflinburg, and county of Union, for the accommodation of said association, or societies, and for such other purposes as they shall deem proper.

Seal.

SECTION 3. That it shall and may be lawful for said corporation to have a common seal, and the same at their pleasure to change, alter and renew, as they shall deem proper, and shall have and exercise all the rights and privileges and immunities necessary for the purposes of the incorporation hereby constituted, and as herein expressed.

Government of corporation.

SECTION 4. That the government of the Odd Fellows' Hall Association of Mifflinburg, and the management and disposition of its affairs and property, shall be invested in a board of trustees, who shall be elected annually, at such time and in such manner as the said association shall by its by-laws provide; at the first meeting of the trustees after their election in each year they shall choose from their body a president, secretary and treasurer.

By-laws.

SECTION 5. That the corporation hereby created shall have authority to make by-laws, conformable to the charter and not in violation of the Constitution and laws of the United States of this Commonwealth.

Reservation.

SECTION 6. That the Legislature reserves the right to alter, revoke, or amend this charter, whenever in their opinion such revocation shall be considered necessary for the public interest: *Provided*, That no injustice shall be done to the incorporators thereof.

Proviso.

Repeal.

SECTION 7. That the seventeenth section of the act entitled "An Act relative to the Schuylkill county prison and to discharged convicts; to the election of school directors, council men, town clerk, and the appointment of an auctioneer, in the borough of Pottsville; to the division of the borough of Minersville into wards; and relative to the road laws in Frailey township, in the county aforesaid;" approved April first, Anno Domini one thousand eight hundred and fifty-two, be and the same is hereby repealed.

Schuylkill Haven, Schuylkill county.

SECTION 8. That the qualified voters of the borough of Schuylkill Haven, in the county of Schuylkill, heretofore voting at the public school house, shall hereafter vote at the public house now kept by George Kauffman, in said borough.

Theodore Cuyler and John Kessler to reconvey certain property.

SECTION 9. That it shall and may be lawful for Theodore Cuyler and John Kessler, trustees of certain real estate conveyed by Coburn Whitehead and Matilda his wife, by a deed bearing date September seventeenth, one thousand eight hundred and forty-two, and recorded in the office for recording deeds in and for the city and county of Philadelphia, in deed book number forty-four, page five hundred and forty-one, in trust for the said Coburn Whitehead during his life, and upon his decease for such persons and estates as the said Coburn by his last will should appoint, to reconvey the said premises by the said deed granted and conveyed in trust unto the said Coburn Whitehead, and thereafter the said Coburn Whitehead shall stand seized and possessed of all and singular the said premises, in the same manner, and with the same effect, to all intents and purposes, as if the said mentioned deed of trust had never been executed: *Provided, however*, That no act, matter or thing, lawfully done by the trustees under said deed, shall be rendered invalid or ineffectual.

Proviso.

Construction of fifth section of act relative to

SECTION 10. That the fifth section of an act entitled "An Act to incorporate the Delaware county Mutual Protection company," passed June twelfth, one thousand eight hundred and thirty-nine, shall be so

construed as to permit the members of said company to pay annually such per centage, not exceeding ten per cent., upon their premium notes, as shall from time to time be fixed by the directors, by uniform rule, for the purpose of accumulating a fund to meet losses: *Provided*, That this section shall not be construed to apply to any insurance heretofore affected, unless the written consent of the person insured be first had and obtained.

SECTION 11. That the thirteenth and fourteenth sections of said act be and the same are hereby repealed.

SECTION 12. That the Legislature of this Commonwealth may alter, amend or repeal the said charter, and the above supplement, at any time, doing no injustice to the corporators.

SECTION 13. That hereafter the general, special and township elections in the township of Upper Saucon, Lehigh county, be held at the house of Daniel Cooper in said township.

SECTION 14. That hereafter the general, special and township elections in the township of Lower Milford, Lehigh county, be held at the house of Henry Dillinger in said township.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 231.

AN ACT

Relating to the Judicial Districts of this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the counties of Centre, Clearfield, and Clinton, be and are hereby erected into a separate judicial district, to be called the twenty-fifth district, and it shall be the duty of the Governor of this Commonwealth, pursuant to the provisions of the constitution, to appoint and commission a gentleman of integrity, learned in the law, to be president judge of said district, who shall hold his office until the first day of December next.

SECTION 2. That the courts in said counties shall be held as follows, to wit:

In the county of Centre on the second Mondays of February, May, September and December, to continue two weeks, if necessary.

In the county of Clearfield on the first Mondays of February, May, September and December.

In the county of Clinton on the Mondays following the last week of the courts in Centre county, to continue one or more weeks.

SECTION 3. That the qualified electors of the said twenty-fifth judicial district shall, on the second Tuesday of October next, elect a president judge for said district, according to the laws of this Commonwealth, to serve for the term of ten years from the first day of December next.

Mercer county
annexed to 18th
judicial district.

SECTION 4. That the county of Mercer shall be annexed to and compose part of the eighteenth judicial district, and the courts therein shall commence their terms on the second Mondays of January, April, August, and November, of each year, and shall continue each term for two weeks, if necessary, and all writs, rules, recognizances, orders, and decrees, made returnable in said courts to the terms as now fixed by law, shall be considered as extended, continued, and returnable, to the terms as fixed by this act.

Montour coun-
ty annexed to
eighth judicial
district.

SECTION 5. That the county of Montour shall be annexed to and compose part of the eighth judicial district, and the courts therein after the April term of the present year, shall be held on the second Monday succeeding the commencement of the terms of the courts of Lycoming county.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The ninth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 232.

AN ACT

To authorize the city of Philadelphia to subscribe to the capital stock of the Hempfield Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the city of Philadelphia is hereby authorized to subscribe for ten thousand shares in the capital stock of the Hempfield Railroad company, and to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed, as in other cases of loans to said city, or payment for said shares may be made in stock held by said city, and in such mode as shall hereafter be agreed upon by said city and said Hempfield Railroad company, and the said city may be represented at elections and other meetings of

said company, by agents duly authorized to act by resolution of the councils thereof.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

We do certify that the bill entitled "An Act to authorize the city of Philadelphia to subscribe to the capital stock of the Hempfield Railroad company," was presented to the Governor on the twenty-ninth day of March, eighteen hundred fifty-two, and was not returned within ten days (Sundays excepted) after it was presented to him, wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed the same.

WM. JACK,
Clerk of the House of Representatives.

JOHN M. SULLIVAN,
Clerk of the Senate.

HARRISBURG, April 9th, 1853.

No. 233.

AN ACT

Authorizing the city of Pittsburg and Allegheny, and the boroughs of West Newton and Connellsville, to subscribe to the stock of the Pittsburg and Connellsville Railroad company; and relative to the Allegheny and Butler plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the cities of Pittsburg and Allegheny, and the boroughs of West Newton, in the county of Westmoreland, and Connellsville, in the county of Fayette, are hereby authorized and empowered, by their corporate authorities, to subscribe for shares in the capital stock of the Pittsburg and Connellsville railroad company, each of said cities not exceeding ten thousand shares, and each of said boroughs not exceeding two thousand shares, and to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed by the assessment and collection of such taxes as may be necessary for that purpose, and the certificates of loan to be issued by either of said corporations for the purpose aforesaid, may be received by said Pittsburg and Connellsville railroad company in payment of instalments on shares subscribed by said corporations, on such terms as shall be agreed upon between said company and said corporations: *Provided,* That no bond shall be issued for a less amount than one hundred dollars: *And provided further,* That the several acts of Assembly limiting the debt of said cities shall not be construed to apply to

Certain cities and boroughs to subscribe to the Pittsburg and Connellsville railroad.

any subscription which may be made under the authority of this act, or to any debt incurred therefor.

SECTION 2. That the directors of the said Pittsburg and Connellsville railroad company are hereby authorized to pay to the shareholders entitled to receive the same, interest at the rate of six per centum per annum on all instalments paid by them, which interest shall be charged to the cost of construction, and continue to pay the same until the road shall be completed, and that until the period for which a dividend shall be declared, all the profits and earnings of the road shall be credited to the cost of construction: *Provided*, That no stockholder who shall neglect to pay up the instalments as called for, shall be entitled to receive interest on the same: *And provided further*, That the stock of the said company shall not be subject to any tax in consequence of the payment of interest hereby authorized.

Loan of Allegheny and Butler plank road company exempt from taxation.

SECTION 3. That the loan authorized to be made by the Allegheny and Butler plank road company by the act entitled "An Act authorizing the Allegheny and Butler plank road company to borrow money, et cetera," approved the twenty-seventh day of April, Anno Domini one thousand eight hundred and fifty-two, shall be exempt from taxation, and that the bonds for said loan may be issued, with coupons or interest certificates attached, in sums not less than one hundred dollars, equal in amount to the semi-annual interest thereon, which certificates shall be redeemable on the first day of January and July in each and every year, at such place or places as the president and managers of the said company may determine upon.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

We certify that the bill entitled "An Act authorizing the cities of Pittsburg and Allegheny, and the borough of West Newton and Connellsville, to subscribe to the stock of the Pittsburg and Connellsville railroad company; and relative to the Allegheny and Butler plank road company;" was presented to the Governor on the seventeenth day of March, eighteen hundred and fifty-three, and was not returned within ten days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed it.

WM. JACK,

Clerk of the House of Representatives.

JOHN M. SULLIVAN,

Clerk of the Senate.

HARRISBURG, April 12th 1853.

No. 234.

AN ACT

To incorporate the Altoona and Clearfield Plank Road and Turnpike company; relative to unpaid taxes in the borough of Mauch Chunk; to the Philadelphia and Reading railroad; and authorizing the school directors of the borough of Mountjoy, Lancaster county, to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John G. Miles, Alexander McCormick, Gilbert S. Lloyd, Joseph Kemp, Alexander L. Holliday, James Condon, Samuel Henshey, James L. Givin, James Ross, Johnston Moore, and John A. Wright, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Altoona and Clearfield Plank Road and Turnpike company," to locate and construct a plank road, and such part as the said company may determine upon turnpike road, from the town of Altoona, in the county of Blair, through the Juniata Gap to the summit of the mountain; thence by a north-westerly course to intersect the Philipsburg road, at or near the farm of Richard M. Gwire, junior, in White township, Cambria county, subject to all the provisions and restrictions regulating turnpike and plank road companies, approved the twenty-sixth January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are not inconsistent with this and the following section in this act. Commissioners.
Location.
Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of six thousand shares, of twenty-five dollars per share: *Provided,* That said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same, according to the true intent and meaning of this act, and that whenever five miles, of said road from Altoona are completed, the said company may erect toll gates and receive and collect tolls, under the provisions of the aforesaid act of twenty-sixth January, one thousand eight hundred and forty-nine, and its several supplements. Capital stock.
Proviso.

SECTION 3. That if the said company shall not commence the construction of said road within four years from the passage of this act, and complete the same within eight years thereafter, this act shall become null and void, except so far as to wind up the affairs of said company and pay the debts of the same. Commencement
and completion
of road.

SECTION 4. That from and after the passage of this act, it shall and may be lawful for John Fatzinger and Cornelius Connor, of the borough of Mauch Chunk, in the county of Carbon, to collect and receive the several balances of unpaid taxes due upon the duplicate of Charles Snyder, collector of State and county taxes for said borough for the year eighteen hundred and fifty-one, and the said John Fatzinger and Cornelius Connor are hereby authorized to take possession of said duplicate and warrants, whenever the same may be found, and they are hereby authorized and empowered to proceed and collect the same, with the same power and authority as any other collector under the laws of John Fatzinger
and Cornelius
Connor to re-
ceive unpaid
taxes on dupli-
cate of Charles
Snyder.

Proviso.

this Commonwealth : *Provided, however,* That the time for collecting the same is hereby extended for two years from this act.

Time for the Phila. and Reading railroad company to purchase the Mount Carbon and Port Carbon railroad extended.

SECTION 5. That the time allowed to the stockholders of the Philadelphia and Reading railroad company to purchase the road, with its improvements and appurtenances, of the Mount Carbon and Port Carbon railroad company, as provided for in the ninth section of the act of the fifth April, A. D., one thousand eight hundred and forty-four, entitled "A supplement to an act entitled 'An Act to incorporate the Mount Carbon and Port Carbon railroad company, and to the supplement thereto,'" be and the same is hereby extended so as to authorize said purchase at any time within two years from and after the passage of this act.

School directors of Mount Joy to borrow money.

SECTION 6. That the school directors of the borough of Mount Joy, Lancaster county, are hereby authorized to borrow for school purposes, any sum of money not exceeding six thousand dollars.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eleventh day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 235.

AN ACT

Authorizing the Governor to incorporate the Shade Gap and Mount Union Plank Road company.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That A. P. Wilson, William P. Orbison, and David Blair, of the borough of Huntingdon, John Dougherty, Abram Lewis, Samuel Myers, George Ely, junior, William Shaver, and Samuel Miller, of Mount Union, Henry Shaver, William Morrison, John Shaver, William Johnston, John Morrison, John Garvery, Samuel McVitty, James W. Galbreath, William McNit, David Bucks, Dutton Maddon, Samuel Grove, Samuel Lutz, George Eby, George Bowman, of Shirley township, John Long, John Lutz, Henry Brewster, James G. Lightner, James Ramsey, Maise S. Hanison, William B. Leas, George Askins, Samuel Bachus, James Clark, of the borough of Shirleysburg, Thomas E. Orbison, David Ettnier, R. Benson Wigten, Daniel Taque, Thomas T. Cromwell, Michael Stair, George Sesney, Joseph Cornelius, Benjamin Beers, Andrew Gillbland, Samuel Bolinger, Daniel J. Logan, of Cromwell township, Bruce Blair, J. A. Shade, David Hudson, John Jamison, Brice O. Blair, Henry C. Robinson, William McLain, Isaac Taylor, A. J. Taylor, Thomas W. Neely, James Neely, William G. Harper, William Appleby,

William Roddy, John Kelly, John Carl, William Clyman, Joseph Nelson, William A. Hudson, of Dublin township, in the county of Huntingdon, are hereby appointed commissioners, to open books and receive subscriptions and organize a company, by the name, style and title of "the Shade Gap and Mount Union Plank Road company," with power to construct a plank road from the village of Shade Gap, in Dublin township, thence by the nearest and best route, through the village of Orbisonia, and thence through the borough of Shirleysburg, to intersect the Pennsylvania railroad at or near Mount Union, in the township of Shirley, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto. Subject to provisions of certain act.

SECTION 2. That the capital stock of the said company shall consist of one thousand shares, at twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road, and to carry out the true intent and meaning of this act. Capital stock. Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eleventh day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 236.

A SUPPLEMENT

To an act entitled "An Act to authorize the Governor to incorporate a company for making a turnpike road in Susquehanna county," approved the 11th day of March, one thousand eight hundred and fifty; and relative to a State road in Armstrong and Clarion counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for completing the Friendsville and Choconut turnpike road, in the county of Susquehanna, shall be and the same is hereby extended for the term of five years from the expiration of the time fixed by the charter for completing the same, and the said company may convert the same into a plank road if sufficient subscriptions to the stock can be obtained, subject, nevertheless, to the provisions of the acts of Assembly regulating turnpikes and plank roads, and the said company may at any time within the said period re-survey and change the location of the said road, wherever the same can be shortened in length or improved in the grade, or the damages lessened thereby, but

in all cases where damages have been awarded and are not yet paid, if any alterations are made in the location, a new assessment of damages shall be had, under the direction of the court of quarter sessions of the said county, and the party claiming damages shall not be entitled to the amount of both assessments, but the valuation and appraisement made under this act shall be the measure of the damages sustained: *Provided*, That nothing herein contained shall be so construed as to compel the re-payment to the company of any damages paid by them, or to authorize them to recover back the same from any person or persons whomsoever.

SECTION 2. That so much of the State road leading from Brady's Bend, in Armstrong county, to Joseph Rankin's in Clarion county, as runs through the land of J. C. Gould, in Clarion county, be and the same is hereby reduced in width to thirty-four feet.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 237.

AN ACT

Authorizing the prisoners in the jail of Perry county to be removed to the jail of Dauphin county; and relative to the place of holding elections in Millersburg, Dauphin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be the duty of the sheriff of the county of Perry, upon an order from any one of the judges of the court of quarter sessions of said county, to remove a portion or all of the prisoners that now are, or may hereafter be confined in the jail of Perry county, to the prison of Dauphin county, there to be confined until put upon their trials, in the courts of the said county of Perry: *Provided*, That the expenses of keeping said prisoners in the Dauphin county prison, under the provisions of this act, shall be defrayed by the county of Perry.

Removal of
prisoners.

Upper Paxton
tp., separate
election district.

SECTION 2. That all that part of Upper Paxton township, Dauphin county, lying and being without the limits of the borough of Millersburg, be and is hereby erected into a separate election district, and the general and special elections for said district shall be held at the Upper School House in said borough of Millersburg, and Andrew Woland

shall be the judge, and George Melers and John Seal inspectors, to open and hold the first election under this act.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON.
Speaker of the Senate.

APPROVED—The eleventh day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 233.

AN ACT

Supplementary to an act entitled "An Act to establish the act of incorporation of the Wyoming Seminary of the Oneida annual conference of the Methodist Episcopal church," passed the twelfth day of February, Anno Domini one thousand eight hundred and fifty; relative to road districts in Wilkesbarre township, Luzerne county; to the Mayor's court of the city of Carbondale, in said county; and to incorporate the Providence and Abington Turnpike and Plank Road company; and relating to certain real estate in Moyamensing township, Philadelphia county.

WHEREAS, The Oneida annual conference of the Methodist Episcopal church has lately been, by the regular authority of the general conference of said church, divided, and the Wyoming annual conference of such church duly formed out of the same:

And Whereas, By arrangements made at the time of said division, the control, regulation and direction of the Wyoming seminary of said Oneida conference, as far as vested in them and confirmed in its charter, by the said recited act to which this is a supplement, has been legally and amicably given, transferred and made over to the said Wyoming annual conference, within the bounds of which such seminary is located, such Wyoming annual conference now having under such division and arrangements, the full power, rights and authorities over said seminary formerly vested in the Oneida annual conference:

And Whereas, The corporate authorities of said seminary have fully assented to and confirmed the said arrangements, and now desire the change of name and authority hereinafter granted; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the name, style and title of said Wyoming seminary, so confirmed in its charter as aforesaid, be and hereby is changed and altered to the name, style and title of "The Wyoming Seminary of the Wyoming Annual Conference of the Methodist Episcopal church," said corporation, by such new name, from this time hereafter to hold, have and enjoy, all and singular, the rights powers and privileges, property and estates, real, personal and mixed, and the control, management, ordering, regulation and direction of the same, subject however to all

Wyoming seminary, name changed.

debts and responsibilities now charged or chargeable thereon, in as full and ample a manner, and in every respect according to the object, articles and conditions of the charter of said seminary, as the same are now held or exercised, or could be held or exercised, by the said corporation in its original name, had this alteration of name not now been made.

Powers given to
Oneida confer-
ence transferred
to Wyoming
conference.

SECTION 2. That all authority and power given by said charter to the said Oneida annual conference in the election or appointment of trustees, visitors, agents, or otherwise, of whatever kind or nature, in and about the management, control or direction of said seminary, be and the same hereafter shall be vested in the said Wyoming annual conference of the Methodist Episcopal church, as fully as if the same had been originally vested in the said Wyoming conference instead of such Oneida conference.

Repeal.

SECTION 3. That the seventh section of the act of eighteenth March, one thousand eight hundred and fifty-two, entitled "An Act authorizing the election of four supervisors in Indiana township, Allegheny county; to change the place of holding elections in certain districts; and erecting the township of Wilkesbarre, in Luzerne county, into two road districts;" and the ninth section of the act of third May, one thousand eight hundred and fifty-two, entitled "An Act repealing certain road laws in McKean county, &c.; and erecting the township of Wilkesbarre into separate school districts," &c., be and the same are hereby repealed.

Further powers
given to the
Mayor's court
of the city of
Carbondale.

SECTION 4. That the Mayor's court for the city of Carbondale shall have original civil jurisdiction in all cases where the defendant shall be a resident of said city, and the plaintiff's demand shall not exceed one thousand dollars, and also of all amicable actions where the parties shall by writing institute the same in said court, and the remedies, process, pleadings and costs in such cases shall be similar to like proceedings in the several courts of common pleas.

Connection of
Scott tp., with
Carbondale de-
termined.

SECTION 5. That all connexion of the township of Scott, in Luzerne county, with the city of Carbondale, or the Mayor's court thereof, from and after the passage of this act, shall cease and determine, except so far as may be necessary to determine any judicial proceedings heretofore began or instituted, and the second proviso of the thirty-seventh section of the act of fifteenth of March, one thousand eight hundred and fifty-one, incorporating said city, is hereby repealed.

Commissioners.

SECTION 6. That Andrew Bedford, Daniel Rankin, H. V. Hall, Joseph H. Scranton, James P. Kennedy, William W. Winton, H. W. Nicholson, James A. Kennedy, Sanford Grant, Nathaniel Cattrell, J. K. Bloom, Isaac T. Akirley, and Joseph Chase, of Luzerne county, or any five of them, are hereby appointed commissioners, to open books and receive subscriptions and organize a company by the name, style and title of "The Providence and Abington turnpike and plank road company," with power to construct a turnpike and plank road, commencing at some point on the Carbondale and Providence turnpike and plank road, in the borough of Providence, in Luzerne county, to the village of Waverly, in the said county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, A. D. one thousand eight hundred and forty-nine, and the several supplements thereto, except wherein the same are herein altered or supplied by the provisions of this act.

Style.

Subject to the
provisions and
restrictions of
certain act.

Capital stock.

SECTION 7. That the capital stock of said company shall consist of two hundred and forty shares, (240) of fifty dollars each: *Provided*, That the said company may from time to time, by a vote of the stock-

holders, at a meeting called for that purpose, increase their capital stock, if it shall be deemed necessary to carry out the intent and meaning of this act.

SECTION 8. That if said company shall not commence the construction of their road within two years, and complete three miles of the same within four years after the passage of this act, the section of this act incorporating the said company shall be null and void, except so far as the same may be necessary to settle and wind up the affairs and pay the debts of said company. Commencement of the road and completion of road.

SECTION 9. That whenever three miles or more of said road shall be complete, the president of the company shall give notice to the Governor, who shall appoint three persons to view, examine and report to him, as provided in the twelfth section of the act of twenty-sixth January, A. D. one thousand eight hundred and forty-nine; whereupon, the Governor shall issue to the said company license or permission to erect and fix gates and take tolls, as provided by the said section.

SECTION 10. That the company shall have the right to use such portion or portions of the abandoned Philadelphia and Great Bend turnpike road, on or over which the same may run, and such laid out or confirmed public roads (unopened) as may be deemed necessary for the purpose of making or constructing said road, and that the right to retake or resume any part or parts of said turnpike on the part of said Philadelphia or Great Bend turnpike company is hereby forfeited. Use of certain abandoned turnpike.

WHEREAS, Caesar Hodge, a colored man, died in the year one thousand seven hundred and sixty-five, seized in fee of three certain lots of ground situate on the south side of Wicacoa lane, in the then township of Passyunk, in the county of Philadelphia, containing together in front or breadth one hundred and forty feet, and in length or depth about two hundred and thirty-five feet, having by his last will and testament, dated the twenty-fifth day of July, Anno Domini one thousand seven hundred and sixty-four, devised a portion of the same to his wife during her life, and after her death he devised the whole of the same in the residue of his real and personal estate to his esteemed friends, Alexander Parker, John Reily and Thompson Parker, all then of the city of Philadelphia, and the survivor of them, and the heirs, executors and administrators of the survivor, in trust, to apply the rents and profits thereof, and the monies arising from the sale of his personal estate, after the payment of his debts, for the use and benefit of certain negro slaves belonging to him, the testator, and in giving security upon their emancipation: Preamble.

And whereas, The said Thompson Parker survived the said Alexander Parker and John Reily, and on the fourteenth day of May, Anno Domini one thousand eight hundred and ten, conveyed the same lots of ground to George Parker, in fee, who died seized of the same, having by his last will devised the same to his wife for her life, and after her death to his children, in certain proportions: Preamble.

And Whereas, It is represented to the Legislature that the rents and profits of the said lots, and the proceeds of the personal estate of the said testator, were duly applied according to the provisions of the said will, and that the negro slaves therein mentioned have long since died, without leaving any heirs or personal representatives, and the said Thompson Parker, and those claiming under him, have been in unquestioned possession of the premises for more than eighty-eight years, whereby an absolute title, if it did not pass by the said will, has been acquired against all individuals; but doubts are entertained whether the equitable interest of the said negro slaves was not of a nature that might escheat to the Commonwealth, and it is proper that the title of Preamble.

the present representatives of the said George Parker should be confirmed, and thereby the said lots rendered unalienable; Therefore,

Right of Commonwealth released.

SECTION 11. That any right, title, or interest which the Commonwealth might possibly have to the lots or pieces of ground hereinbefore described, or either of them, by reason of the death of any or all of the persons provided for in the will of Caesar Hodge, aforesaid, without heirs or personal representatives, be and the same is hereby released to and vested in the devisees under the will of George Parker, aforesaid, and the title of the said devisees is hereby fully confirmed and made as valid and effectual as if the devise aforesaid in the will of the said Caesar Hodge had been absolute, and without any trust or charge upon the same.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 239.

AN ACT

Repealing the acts regulating the gauge of the track of railroads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That every railroad company heretofore chartered, or which may hereafter be chartered, is hereby authorized to construct or change their gauge or gauges of road to such a width as the directors of such railroad company may deem expedient, and all laws inconsistent with this provision, be and they are hereby repealed.*

SMITH SKINNER,
Speaker pro tem. of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eleventh day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 240.

A FURTHER SUPPLEMENT

To the act entitled "An Act to incorporate the Erie Canal company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Erie canal company be and is hereby authorized to issue stock, to Erie canal com- an amount not exceeding seven hundred and fifty thousand dollars, in pany to issue sums authorized by the charter, to the holders of such bonds or certi- stock. cates of said company heretofore issued as will surrender the same to said company at seventy-five cents on the dollar.

SECTION 2. That if any holder of the bonds or certificates of said Holders of stock company shall refuse to surrender the same and take stock therefor at to draw interest seventy-five cents on the dollar, in that case each and every holder of in certain cases. the stock created under this act shall draw upon seventy-five dollars of the same, as much interest or as great a dividend as is drawn or declared upon one hundred dollars of said bonds or certificates, and in that proportion.

SECTION 3. That if a portion of the holders of said bonds or certi- Holders of stock ficates refuse to surrender the same, and the said company should here- to receive the after be enabled to pay the same, then the holders of stock taken as same as bond aforesaid shall be entitled to receive, and shall receive the same upon holders. seventy-five dollars of stock as is received upon one hundred dollars of bonds or certificates, and so in that proportion.

SECTION 4. That until all the bonds and certificates of said company Dividends. are converted into stock at the rates aforesaid, the stock authorized by this act shall draw upon seventy-five dollars as much interest, or as great a dividend as is drawn upon one hundred dollars of the bonds or certificates, and in that proportion.

SECTION 5. That in addition to drawing interest or dividends as Holders of stock aforesaid, the holders of stock authorized by this act shall have the to have the right to vote upon the same, when the holders of the present stock shall same rights in convert the same into new stock at seventy-five cents on the dollar, voting. which is hereby authorized, and convert the bonds and certificates now held by them into stock as aforesaid, then annual dividends, if earned, shall be declared upon the same, and each share of stock shall hereafter be entitled to one vote.

SECTION 6. That the right of resumption provided for in the four- Right of re- teenth section of the act incorporating the Erie canal company, may be sumption. exercised by the Commonwealth by paying the stock issued under this act and seventy-five cents in the dollar upon the stock, the bonds and certificates not converted into stock under this act, with interest, as provided for in said section.

SECTION 7. That so much of the sixth section of the act to limit Sequestrations. and regulate sequestrations in case of the Erie canal company, approved April the ninth, one thousand eight hundred and fifty, as makes the stockholders liable in their individual capacity for all the debts and liabilities of said company contracted after the passage of said act, be and the same is hereby repealed: *Provided*, That this section shall *Proviso*. not be so construed as to effect the liability of the stockholders of said

company on contracts heretofore made, except for the bonds and certificates issued by said company, the stock and tax thereof.

Tolls.

SECTION 8. That it shall and may be lawful for the Erie canal company, from time to time to fix, regulate and receive the tolls and charges for the transportation of freight and passengers over the said canal, adopting such rates as they shall deem expedient and necessary to secure the largest amount of business for said canal: *Provided*, That the rates on through trade so fixed and established, shall at no time exceed the rates of tolls and charges upon similar passengers and freight transported over the western division of the Pennsylvania canal during the same period of time: *And provided further*, That no discrimination shall be made against passengers and freights passing over any portion of said canal, and designed to pass, or which has passed over any portion of the Pennsylvania and Ohio canal, unless the said Pennsylvania and Ohio canal company shall discriminate against passengers or freights passing from any intermediate point on their line to and from the said Erie canal, and all and any freights or travel designed for the Pennsylvania and Ohio canal shall be charged at the same rate as through travel upon the Erie canal; and in case of any allowances by draw-backs, discounts, or otherwise, upon through freights, boats or passengers, being made by the said Erie canal company, then all and any boats, freights, or passengers, passing on or off the Pennsylvania and Ohio canal, shall be entitled to a similar draw-back, discount, or allowance, in proportion as the distance traveled upon the said Erie canal shall bear to its entire length: The said company are hereby required to complete the bridge at Western Reserve harbor, on said line of canal, within fifteen months, and the Legislature hereby reserves the right at any time to alter or repeal this section.

Application for sequestration.

SECTION 9. That the goods, chattels and credits, rents, issues and profits, tolls and receipts, of the Erie canal company, shall be put in sequestration only upon application by petition to the court of common pleas of either Erie, Crawford, Mercer, Lawrence or Beaver county, by a majority in value of the bondholders, stockholders, and other creditors of said company, and upon like application to the court in which said company was put in sequestration, it shall be lawful for said court, upon sufficient cause shown, to revoke the decree of sequestration: *Provided*, That this act, nor the act of April ninth, one thousand eight hundred and fifty, entitled "An Act regulating sequestration in case of the Erie canal," shall not affect debts heretofore contracted for repairs.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 241.

A N A C T

Relating to the Greenwich Land and Building association; relating to the sale of the real estate of John Eckel, deceased; confirming the title to certain real estate of Harriet G. Breiding; incorporating the Northern Liberties Institute; relative to nuisances in the districts of Kensington, Penn and Richmond, Philadelphia county; and relative to the borough of Germantown: to citizen volunteers of the county of Northampton; legitimating Samuel Peck, and changing his name to Samuel Stence; and authorizing the commissioners of York county to purchase standard of weights and measures.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Greenwich Land and Building association, (the charter of incorporation of which was granted by the court of common pleas of the county of Philadelphia, and is recorded in the office for recording deeds, &c., for the city and county of Philadelphia, in miscellaneous book G W C number one, page four hundred seventy-nine, &c.) immediately on its organization, or at any time thereafter, to purchase and to hold in fee simple, in its corporate name, the following described real estate, or any part thereof, namely: all that tract of meadow and marsh land situate, lying and being in the township of Passyunk, in the county of Philadelphia, beginning at the south-east corner of land belonging to James McGee, at low water mark of the river Delaware; thence north sixty-six degrees forty-five minutes east forty-three and four-tenths perches to the north of Hollanders's creek; thence the several courses of said creek two hundred and fifty-two and eighty-five one hundredth perches; thence north one degree and twenty-five minutes west eighty-nine perches to a lane and south-east corner of land belonging to Michael Magee; thence along the said property of Michael Magee south eighty-nine degrees forty-five minutes west forty-eight and twenty-five one hundredths perches, north one degree thirty minutes west forty-two perches, north sixty-nine degrees east twenty-five perches, and north fifty-nine degrees thirty minutes east twenty-three perches, to the north-east corner of said land of Michael Magee; thence along land of James Magee north fifty-nine degrees fifty minutes east eleven and five tenths perches, north thirty-seven degrees forty minutes west fourteen and eight tenths perches, north eighty-five degrees ten minutes east fifty-one and seven-tenths perches to the Point house road; thence along Point house road south eighteen degrees thirty seven minutes east thirty-three perches, to corner of land of George Cadwalader and C. E. Spangler; thence the several courses along the line of George Cadwalader's land and C. E. Spangler's land one hundred and thirty-five and twenty-one one-hundredths perches to low water mark of the river Delaware; thence by low water mark of river Delaware one hundred and thirty-six and twelve one-hundredths perches and along the line of lands of C. E. Spangler, D. S. Brown, and others, and James Magee, to the place of beginning; containing about two hundred acres, and to grant, bargain or sell the same, or any part thereof,

Greenwich land
and building
association to
hold real estate.

to its stockholders or others, in fee simple, with or without the reservation of ground rents.

Ground rents.

SECTION 2. That the said Greenwich land and Building association is hereby authorized to make sale of, and assign or extinguish, to any person or persons, the ground-rents that may be so created.

Wm. Reiguel
authorized to
sell real estate
of John Eckel.

SECTION 3. That William Raiguel, executor of the last will and testament of John Eckel, late of the city of Philadelphia, deceased, or whoever may be acting executor of said will at the time, by and with the advice and consent of the widow and guardian or guardians of the minor children of said John Eckel for the purpose, first had and obtained, in writing, is hereby authorized and empowered to lease or demise, sell or dispose of, to such incorporated company in the county of Schuylkill as he shall deem most advantageous, any and all interests of said testator in coal lands in the county of Schuylkill, held by him at the time of his decease, for such period, for such estate, and upon such terms and conditions, as he may deem most beneficial: *Provided*, No lease thereof shall extend beyond the period when the youngest surviving child of said testator shall arrive at the age of twenty-one years, and upon any such sale to make good and sufficient deeds and conveyances therefor, in fee simple or otherwise, and without liability on the part of the purchaser to look to the application of the purchase money: *And provided further*, That the rents, income and proceeds thereof, shall be held, managed, invested and apportioned, upon the same uses and trusts, and for the same purposes as mentioned and directed by the said testator in his said last will and testament: *Provided, further*, That no sale made in accordance with this act shall be valid, unless approved of by the orphans' court of Schuylkill county.

Statute of mort-
main not to
effect the title
of Harriet G.
Breiding.

SECTION 4. That nothing in any statute of mortmain, or in any other statute or law of this State relating to corporations, or any other law whatever, shall be held or deemed to impair, or in anywise to effect the title of Harriet G. Breiding, late Harriet G. Stuebgen, of, in and to a certain two story brick messuage or tenement and three story brick kitchen, and lot or piece of ground, situate on the north side of Wood street, between Garden street and Ninth street, the distance of sixty feet ten inches and two-fifths of an inch eastward from the east side of said Ninth street, in the district of Spring Garden, in the county of Philadelphia, containing in front or breadth on the said Wood street fifteen feet two inches and three-fifths of an inch, and in length or depth on the west side thereof sixty-four feet two inches, and on the east side thereof about sixty-four feet two inches, bounded westward by ground of John Mingle the younger, northward by ground of Samuel Copeland, eastward by ground now or late of George Forde and Joseph Stellwagon, and southward by Wood street aforesaid, and being the same premises that Jacob Lewis and Andrew Steif, administrators C. T. A. of the estate of John Lewis, late of the county of Philadelphia, deceased, by deed dated thirtieth of May, A. D., one thousand eight hundred and fifty, and duly recorded at Philadelphia, in deed book G W C number fifty-two, page two hundred and thirty-one, &c., granted to "The Spring Garden Mutual Insurance company" and their successors, which "The Spring Garden Mutual Insurance company," by indenture bearing date the twelfth day of July, Anno Domini one thousand eight hundred and fifty, recorded at Philadelphia in deed book G W C number fifty-two, page five hundred and seventeen, &c., granted and conveyed to the said Harriet, and the same shall be held by the said Harriet G. Breiding, late Harriet G. Stuebgen, her heirs and assigns, with the same effect, to all intents and purposes, as if the said the Spring Garden Mutual

Insurance company had at the time of receiving and executing the conveyances aforesaid, full power and authority under their charter to hold and convey the same.

SECTION 5. That the persons who are now, or may hereafter become members of the Northern Liberties Institute, in the county of Philadelphia, according to the terms of the constitution thereof, are hereby created a body politic and corporate, in deed and in law, and by the name of "The Northern Liberties Institute," shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of law or elsewhere, and shall be able to purchase, receive, take, have, hold and enjoy, to them and their successors, for the use of the said institute, any estate in lands, messuages, tenements and hereditaments, goods, chattels, money or effects, of what nature soever, by gift, grant, bargain, sale, assurance, devise, bequest, or otherwise, from any body corporate, or person or persons whatsoever, and the same or any part thereof to grant, bargain, sell, mortgage, improve, rent, lease or dispose of, and to make, have, and use a common seal, and to break, alter, and renew the same at pleasure, and generally to do all and every other act, matter or thing, which any corporation or body politic lawfully may or can do, to carry into effect the object and purposes set forth in the constitution hereafter inserted: *Provided*, That the clear yearly income or profits of all the estate had and enjoyed by the said institute, shall not exceed the sum of five thousand dollars: *And provided further*, That nothing herein contained shall be so construed as to give such corporation banking privileges. Corporation.
Style.
Privileges.
Proviso.

SECTION 6. That the following constitution shall be the fundamental laws of said corporation:

CONSTITUTION.

ARTICLE I.—*Name and Object.*

The name of this association shall be "The Northern Liberties Institute," its primary object the promotion of the moral and intellectual improvement of young persons.

ARTICLE II.—*Membership.*

Any person by paying one dollar annually, or twenty dollars at one time as a life subscription, shall be entitled to membership in this institute and to all its privileges, and any subscription of fifty dollars shall entitle the contributor to three life certificates, one for himself and the others for such persons as he may designate.

ARTICLE III.—*Officers.*

The officers shall be a president, vice president, treasurer, secretary, and twenty-five managers, who shall be elected by ballot, annually, at the stated meeting in the month of May; they together shall constitute a board for the transaction of business, and shall report quarterly their proceedings to the institute; vacancies occurring in any of the offices of the institute shall be filled at the next stated meeting thereof, for the unexpired term of the person vacating the office.

ARTICLE IV.—*Meetings.*

The institute shall hold stated meetings on the first Thursday in May, August, November and February, in each and every year, when the quarterly report of the board of managers shall be read; no mem-

bers whose subscriptions are unpaid shall be entitled to vote, or be eligible as officers or managers of the institute; special meetings shall be called by the president or vice president, whenever requested by fifteen of the members, of which meetings at least three days public notice shall be given, in one or more newspapers published in the city or county of Philadelphia, and by posting in the library.

ARTICLE V.—*President.*

The president, or in his absence the vice president, or in the absence of both a president pro tem., shall preside at all meetings of the institute and of its board of managers, shall preserve order, and perform such other duties as appertain to his office.

ARTICLE VI.—*Treasurer.*

The treasurer shall receive and hold all moneys belonging to or paid in to the institute, shall keep a correct account of the receipts and disbursements, exhibit a statement of its funds quarterly, to the institute, and oftener, if required by the board of managers; he shall make no payments except on the order of the managers, signed by the president and secretary, and shall enter into an approved bond for the faithful performance of his trust.

ARTICLE VII.—*Secretary.*

The secretary shall keep full and correct minutes of the proceedings of all meetings of the institute and its board of managers, preserve all papers and documents belonging thereto in his possession, give notice of meetings, and perform all other duties required by his office.

ARTICLE VIII.—*Managers.*

The board of officers and managers, nine of whom shall constitute a quorum, shall hold stated meetings monthly, shall make their own by-laws, keep regular minutes of their proceedings, which shall be open at all times to the inspection of the members of the institute, shall establish a library and free reading room, purchase and receive such books, periodicals, and papers for the library, as they may think proper, provide for suitable lectures, and have power to devise and execute all measures which in their judgment will advance the interests of the institute and carry out efficiently the objects of the organization, not inconsistent with this constitution; they shall also hold their offices until their successors shall have been elected.

ARTICLE IX.—*Library.*

The books, periodicals and papers belonging to the library and reading room may be loaned, at the discretion of the managers, to the members of the institute, and to such young persons as shall furnish satisfactory security for the payment of fines in default of a punctual return of the volumes, and for any loss or injury that may be sustained in the book or books loaned; the reading room shall be kept open at such times and under such regulations as the managers may designate, for the free use of young persons and the members of the institute.

SECTION 2. A librarian shall be elected annually by the institute, and during his continuance in office shall be under the control of the board of managers, who shall have power to suspend or displace him for misconduct or incapacity, and shall report thereon at the next stated

meeting of the institute, and shall appoint a person to fill a vacancy so created until the next meeting of the institute.

ARTICLE X.—*Amendments.*

Any amendment to the constitution shall be offered in writing, at a stated meeting, be seconded by at least three members, and lie over until the next stated meeting of the institute, when a two-thirds vote shall be required for its adoption.

SECTION 7. That the officers and managers of the Northern Liber- **Managers.**
ties Institute now acting, to wit: William B. Mann, president, Thos. K. Finletter, vice president, M. R. Harris, treasurer, S. Snyder Leidy, secretary, and Peter Armbruster, Daniel S. Beideman, George W. Reed, Edward T. Mott, J. Alexander Simpson, Jacob S. Mintzer, Conrad B. Andrews, John H. Frick, Abraham H. Rosenheim, George W. Hillier, John M. Kennedy, Bettie Paul, Robert M. Logan, John F. Maschert, Samuel T. Child, Thomas M. Marchmont, John Horn, George Dilks, William McFeun, Benjamin H. Brown, James K. Knorr, James S. Watson, Stephen D. Anderson, Henry G. Leisenring, and William B. Elliott, shall be the board of managers of the institute hereby incorporated, until the stated meeting of the institute to be held in May next, as provided for in the third article of said constitution.

SECTION 8. That no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to the said institute: *Provided*, The intent of the parties making the same shall sufficiently appear on the face of the will, gift, grant, or other writing, whereby an estate or interest was intended to be given or passed to the said institute.

SECTION 9. That no bone boiling establishment, or depository of Bone boiling
dead animals, shall be erected within the bounds of the districts of prohibited.
Kensington, Penn, or Richmond, and all such establishments and depositories within said districts are hereby declared public nuisances, and punishable as such.

SECTION 10. That no glue factory shall hereafter be erected within Glue factory
the bounds of the district of Kensington, without the consent of at prohibited.
least two-thirds of the board of commissioners of said district.

SECTION 11. That the borough of Germantown is hereby authorized Borough of Ger-
and empowered to subscribe for the stock of the Germantown and Branch- mantown to sub-
town turnpike and plank road company and the Willow Grove and Ger- scribe certain
mantown turnpike and plank road company: *Provided*, That the said stock.
companies shall not place a toll-gate within the limits of the said Proviso.
borough of Germantown.

SECTION 12. That the citizen volunteers of the county of North- Citizen volun-
ampton, be and are hereby exempt from parading or drilling with any teers of North-
regiment or battalion, except at the discretion of said company: *Pro- ampton county.*
vided, The said company meet the number of days required by law,
and parade and drill, at such place or places as they may designate.

SECTION 13. That from and after the passage of this act, Samuel Samuel Peck
Peck, now of the borough of Marietta, Lancaster county, shall be en- legitimated.
dowed with all rights and privileges of a child born in lawful wedlock,
and shall be called and known by the name of Samuel Stence, and by
that name be capable of suing and being sued, and of taking any real
or personal estate by descent, devise or purchase, and of granting or
devising the same, in the same manner as if he had been always known
by the name of Samuel Stence.

SECTION 14. That the commissioners of York county are hereby au- Standard of
thorized and required, on or before the first of May next, to purchase weights and
copies of the original standard of weights and measures now in the measures in
York county.

hands of the Secretary of this Commonwealth, and said commissioners are authorized to pay for said standards out of any money in the treasury of the county of York.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 242.

AN ACT

To incorporate the Milton Cemetery; to reduce the width of Green street, in Churchville, Northumberland county; to authorize the school directors of Turbot, Lewis, and Chilisquaque townships, Northumberland county, to sell certain school houses; to authorize George Weiser and Benjamin Hendricks, trustees of the German Lutheran church of Sunbury, to sell real estate; repealing the fifth section of the act of ninth day of April, one thousand eight hundred and forty-nine; relative to voting the slip ticket in Northumberland county; authorizing Jacob Hilbish to sell certain real estate of Krebs', Jacobs', Heirnel's, and Deep Creek German Reformed congregations of Northumberland and Schuylkill counties; fixing the time of holding the borough elections in Gratz, Dauphin county; and authorizing George T. Hummel and Jacob Shope to sell a certain school house in Hummelstown, Dauphin county.

Preamble.

WHEREAS, The persons hereinafter named have entered into an agreement to purchase a piece of land in the vicinity of the borough of Milton, in Northumberland county, containing about ten acres, for the purpose of converting the same into a cemetery, et cetera, they are desirous that they and their successors may be incorporated for the purpose of establishing and perpetuating such cemetery; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Corporators.

Moses Chamberlin, William F. Nagle, James Pollock, Edward W. Chapin, Robert M. Frick, Samuel Hepburn, Thomas S. Mackey, John F. Wolfinger, William C. Lawson, James Buoy, Thomas Mervine, Jacob Campbell, Joseph Augstadt, J. H. McCormick, Heinen and brother, William McCleery, Benneville K. Hagg, J. H. Eckbret, H. D. Barr, John Miller, William H. Frymire, John V. Goodlander, A. T. Goodman, John M. Woods, Paul Masteller, Thomas Swenk, Samuel T. Brown, John Datesman, George H. Hertz, George Baker, Isaac Brown, Isaiah B. Davis, Joseph L. Auten, Archibald W. Rhawn, Anthony Hipp, John Houtz, B. Galbraith, Jacob Bastian, David L. Ireland, James White, David Kramm, Fleming W. Pollock, Joseph Rhoads, James S. Dougal, James Montgomery, C. J. Eagle, John Norris, William H. Marr, E. S. Trego, Joseph Eckbret, Samuel A.

Liedy, and Charles Shearer, and their successors, be and they are hereby created a body politic and corporate in law, by the name, style and title of "The Milton Cemetery," and by that name shall have perpetual succession, and be able to sue and be sued, in any court of law or equity, and may have and use a common seal, and the same at their pleasure to alter or renew, and shall have power to purchase, have, hold and enjoy, to them and their successors, the aforesaid piece of land, for the purpose aforesaid, and the said corporation shall have authority to receive gifts or bequests for the purpose of ornamenting or improving said cemetery. and to hold such personal property as may be necessary to carry out the object of this act.

Style.

Privileges.

SECTION 2. That the affairs of the said corporation shall be conducted by a president and six managers, who shall be elected by a majority of the votes of the members of the corporation, on the first Monday of June in each and every year, at such place as a majority of the managers shall designate, of which election ten days' notice shall be given, by at least three printed or written handbills, or by publication in a newspaper printed in Milton, and in case no election shall be held at the time aforesaid, the officers of the preceeding year shall continue in office until an election shall be held; the said president and managers (a majority of whom shall constitute a quorum for the transaction of business) shall fill all vacancies that may occur in their own body, by selecting a lot-holder to supply such vacancy, and shall have power to lay out and ornament the grounds purchased for the said cemetery, to erect such buildings thereon as may be necessary for the enjoyment of the same, to lay out, sell and dispose of burial lots, to appoint a treasurer and all other necessary officers, and fix their several duties and compensation, and to make such by-laws and regulations as they may deem proper for conducting the affairs of the corporation, for the lot-holders and visitors to the cemetery, and for the transfer of lots and the evidence thereof, for the regulation of burials, the improvement of burial lots, the erection of grave stones, monuments, and sepulchral structures, and the inscriptions on the same; and it shall be the duty of the said board of managers to cause a record of their proceedings to be kept, and to make report of the same and of the state of the finances at each annual meeting of the corporation, and as much oftener as may be required by a majority of the corporators: *Provided*, That until an election takes place for president and managers, the first named ten of the aforementioned corporators shall act as a board of managers, and elect one of their number as president, seven of whom shall constitute a quorum, and shall be invested with all the authority as a president and managers duly elected as hereinbefore provided.

Affairs of corporation, how managed.

SECTION 3. That every lot conveyed in said cemetery shall be held by the proprietor and his heirs for the purpose of sepulture alone, transferable with the consent of the president and a majority of the managers, and shall not be subject to attachment or execution, and that the said cemetery shall hereafter be forever exempted from taxation.

Lots to be held for use of sepulture.

SECTION 4. That as soon as the money received from the sale of lots in said cemetery shall be sufficient to pay the purchase money expended by the persons hereby incorporated, with interest, and the expenses that shall have been incurred by them in laying out, enclosing and improving the grounds and erecting the necessary buildings, then each lot-holder shall become a member of the corporation, and have a right to vote for the officers thereof, and at all elections held

Who may be members and when.

thereafter under this act, each member of the corporation shall be entitled to one vote, and no more.

Green street, in Churchville, reduced.

SECTION 5. That Green street, in the town of Churchville, Northumberland county, be and the same is hereby reduced to the width of ten feet upon each side of the true centre thereof, and that the ground lying and being beyond the limits aforesaid, upon either side of said street or road, be and the same is hereby vested in the owner or owners of the land adjoining said ground, their heirs and assigns, and he or they are hereby authorized to occupy and hold the same.

School directors authorized to sell school houses.

SECTION 6. That the school directors of Turbot, Lewis and Chilisquaque townships, Northumberland county, be and they are hereby respectively authorized to sell and convey certain school houses in said districts, and apply the proceeds of said sales to the erection of new school houses in said districts.

George Weiser and Benjamin Hendricks to sell certain lots.

SECTION 7. That George Weiser and Benjamin Hendricks, the present trustees of the German Lutheran congregation of Sunbury, Northumberland county, or their successors in office, be and they are hereby authorized to sell and dispose of two certain lots of ground situate in said borough of Sunbury, on the south-west corner of Pokeberry and Deer streets, and numbered in the general plan of said borough as numbers two hundred and forty-five and two hundred and forty-six, whereon the church and lecture room of said congregation are erected, either at public or private sale, and either in the whole or in such parts or portions as they may deem proper, and to make titles for the same to the purchaser or purchasers thereof, their heirs and assigns, in fee simple, and without any liability on the part of any purchaser to see to the application of the purchase money.

Repeal.

SECTION 8. That the fifth section of the act entitled "An Act relative to supervisors in Franklin county, and for other purposes, approved the ninth day of April, one thousand eight hundred and forty-nine, in relation to voting the slip ticket at the general elections in Mifflin and other counties, be and the same is hereby repealed so far as relates to Northumberland county.

Jacob Hilbish to sell certain property.

SECTION 9. That Jacob Hilbish, of Jackson township, Northumberland county, be and he is hereby appointed trustee to sell, at public or private sale, and good and sufficient conveyance make to the purchaser or purchasers, all the right, title and interest of the St. Peter's or Krebs' German Reformed congregation, Jacobs' or Howerders' German Reformed congregation, Haimel's German Reformed congregation, all of the county of Northumberland, and Deep creek German Reformed congregation, of the county of Schuylkill, in and to twenty acres of land, more or less, situate in Jackson township, Northumberland county, adjoining lands of John Kieffer, Jonathan Reitz, and others, and after deducting the expenses of said sale, shall pay over the proceeds to the aforesaid congregations, according to their respective interests therein.

Gratz borough, Dauphin co.

SECTION 10. That the qualified voters of the borough of Gratz, Dauphin county, shall hereafter hold their borough elections on the third Friday of March of each year.

George T. Hummel and Jacob Shope to sell certain property.

SECTION 11. That George T. Hummel and Jacob Shope, of Hummelstown, Dauphin county, be and are hereby authorized and empowered to sell and convey a certain lot of ground, about thirty-four feet square, with a brick school house thereon erected, situate in the town of Hummelstown, in the county of Dauphin, at public sale, and by giving public notice of ten days by handbills, that such conveyance, when duly executed, shall be held and taken to vest in the purchaser or

purchasers thereof, their heirs or assigns, good and sufficient title, clear of all encumbrance, and that the proceeds of said sale be appropriated to the use of the fire companies in Hummelstown aforesaid.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 243.

AN ACT

Authorizing the Canal Commissioners to examine the claim of Archibald Galbraith, for damages sustained on the Allegheny Portage railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Canal Commissioners be and they are hereby required to examine the claim of Archibald Galbraith, of Blair county, for damages for two horses killed at the head of plane number seven on the Allegheny Portage railroad, on the night of the eighth day of February, eighteen hundred and fifty-three, and if the said commissioners shall find on such examination that the said horses were killed in consequence of the negligence or misconduct of the officers or agents of the Commonwealth, they shall assess the amount of damages, and report the same, with a statement of the facts, to the next Legislature: *Provided*, That no allowance shall be made except for the actual injury sustained, which shall be established by affidavit.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

244.

AN ACT

To incorporate the Greencastle and Chambersburg Turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Daniel Snively, George W. Zeigler, Archibald Fleming, James Davidson, James M. Brown, Abraham Hollinger, Samuel Frederick, Frederick Walk, Peter Brough, William B. Gabby, William Heyser, William Wallace, George J. Eyster, Martin Newcomer, James J. Kennedy, James C. McLanahan, of Franklin county, or any three of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style. "The Greencastle and Chambersburg Turnpike Road company," with power to construct a turnpike road from the borough of Greencastle to the borough of Chambersburg, in said county of Franklin, on the bed of the present public road between said points, or so much thereof, and by such route as the said company shall deem most advantageous and useful, and subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as they are not inconsistent with this act.

Subject to provisions and restrictions of certain act.

Capital stock. Proviso.

SECTION 2. That the capital stock of said company shall consist of five hundred shares, at fifty dollars per share: *Provided*, That said company may, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as may be deemed necessary to complete said road and carry out the true intent of this act.

Commissioners. Completion of road.

SECTION 3. That if the said company shall not commence the construction of said road within five years after the passage of this act, and complete the same within ten years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 245.

AN ACT

To incorporate the Allegheny and Buffalo Run Plank Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Irvin, Moses Thompson, William Underwood, J. M. M'Commissioners. Coy, William Hecklin, John Adams, John M. M'Minn, John B. Meek, P. B. Waddle, James Burnside, and James Antis, be, and they or any two of them are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and Style. title of "The Allegheny and Buffalo Run Plank Road company," with power to construct a plank or other artificial road, commencing at a point on the Bellefonte and Philipsburg turnpike, at or near James Antes', and thence on the most eligible ground to the Beaver mills; thence to Juliann; thence over the ridge to Philip B. Waddle's; thence to Centre Furnace and Boalsburg; subject to all the provisions and re- Subject to pro- strictions of an act regulating turnpike and plank road companies, ap- visions and proved the twenty-sixth day of January, Anno Domini one thousand restrictions of eight hundred and forty-nine, and the supplements thereto. certain act.

SECTION 2. That the capital stock of said company shall consist of Capital stock. one thousand shares, of twenty-five dollars each: *Provided,* That said Proviso. company may from time to time, by a vote of the stockholders, have at a meeting called for the purpose, increase their capital stock, if it shall be deemed necessary to carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the construc- Commencement tion of said road in one year, and complete the same in three years and completion from the passage of this act, then this act shall be null and void, ex- of road. cept so far as the same may be necessary to wind up and settle the affairs and pay the debts of the company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 246.

AN ACT

To incorporate a plank road company from Willow Grove, Montgomery county, to Germantown, Philadelphia county; to lay out and vacate certain streets in the borough of Bridgport, Montgomery county; correcting a clerical error in the act of April ninth, one thousand eight hundred and fifty, entitled "A supplement to the act incorporating White Hall, Philadelphia county," &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners. Jonathan Lukens, J. P. Tyson, William P. Heston, Abner Bradfield, Elias Kirk, Joseph C. Tyson, John Shaw, B. T. Hallowell, William Phipps, Samuel Wigfall, Nicholas Lavzeleu, Henry Morris, Joseph Lukens, Isaac Rittenhouse, George Rex, George Hamil, J. E. Buck, Benjamin Morgan, Charles Hallowell, Garrett S. Hallowell, Jarrett Parson, Hallowell Twining, Ellwood Tyson, S. K. Tyson, Edward Unruh, Doctor Bolton, and John Michener, of Montgomery county, Gerwis Picking, Thomas Ray, George Carpenter, Samuel Unruh, Charles Gorgas, and Andrew M'Cullum, of Philadelphia county, or

Style. any five of them, are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, to be called "The Willow Grove and Germantown Plank Road company," with power to construct a plank road from Willow Grove in Montgomery county, to such point on the Germantown turnpike road in Philadelphia county, between James Gowen's, near Montarie and Broad street, as shall be determined upon by the managers of said company, subject to all the provisions and restrictions of "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, except that portion of the eleventh section which reads—"if a plank road, the same shall be opened of any width not exceeding forty-feet," shall apply to this company thus—"of any width not exceeding fifty feet," and that portion of the twelfth section which reads—"whenever such company shall have finished five miles or more," shall apply to this company when two miles or more shall be finished, and that portion of the thirteenth section which discriminates in favor of wheels of four inches in width and upwards, shall not apply to this company:

Subject to provisions and restrictions of certain act.

Proviso. *Provided,* That the consent of the council of the borough of Germantown shall be obtained before said company shall occupy any street, or any portion of any street, now open to public use in said borough.

Capital stock. SECTION 2. That the capital stock of said company shall consist of fifteen hundred shares, of twenty-five dollars each: *Provided,* That said company may from time to time by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock, if it shall be deemed necessary to carry out the true intent and meaning of this act.

Proviso.

Rights of company. SECTION 3. That the company shall have the right to construct the road upon the bed of roads already open, or open a new road for that purpose, or partly upon the bed of roads now open and partly on a

road to be opened for that purpose, and if said road shall cross any turnpike or railroad, the said plank road company shall have the right to keep the said crossings in good repair.

SECTION 4. That if said company shall not commence the construction of the said road within three years from the date of the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of said company. Commencement and completion of road.

SECTION 5. That all the streets, roads, lanes and alleys, laid out on the south-east side of Ford street, in the borough of Bridgeport, by the commissioners named in the twenty-second section of the act of the twenty-seventh day of February, one thousand, eight hundred and fifty-one, entitled "An Act to incorporate the village of Bridgeport, in the county of Montgomery, into a borough," excepting thereout Coates street, be and the same are hereby vacated, and the report of the said commissioners so far as it relates thereto, except as before excepted, set aside, and the said commissioners, or any three of them, are hereby authorized and required to lay out Ford street at the width of eighty feet, and to straighten the same so as to make it parallel with said Coates street, and to lay out streets south-east of said Ford street, parallel with said Coates street; and they are further authorized and required to straighten Fourth street, and to lay out the same so as to strike a point at or near the barn of Samuel Coates, and thence to run the same at right angles with said Coates street, and to lay out streets south of Fourth street, at right angles with said Coates street, and between Fourth street and the river Schuylkill, as shall be most convenient to the public; and they are further authorized to vacate Spring street, or a part thereof, and to lessen the width of Second street west of De Kalb street; the said commissioners shall, within the space of one year from the passage of this act, make report of their proceedings to the court of quarter sessions of said county of Montgomery, which report shall be accompanied with a plan or plot of all the streets, lanes and alleys laid out by them in pursuance of this act, upon which they shall specify the names which they have adopted for said streets, lanes and alleys, with such other matters as may be necessary to form a complete plot of the same, and the said report shall be recorded in the recorder's office of said county, and a certified copy thereof shall be evidence in all matters in which such record is pertinent, and the streets, lanes and alleys so laid out, shall from thenceforth be opened for public use, in the same manner as if they had been laid out by the order of the court in the usual way, and each of said commissioners shall receive the sum of one dollar and fifty cents for every day they shall be employed in their duties aforesaid, which shall be paid by the corporation of said borough of Bridgeport; and if any person shall sustain any damage by reason of the laying out or widening of any of the streets, lanes or alleys, in pursuance of this act, he, she or they, shall be entitled to recover the same, in the same manner as if such streets, lanes and alleys had been laid out in pursuance of law by the court of quarter sessions of said county. Streets in the borough of Bridgeport.

SECTION 6. That the word "June," in the sixth section of the act of April ninth, one thousand eight hundred and fifty, pamphlet laws one thousand eight hundred and fifty, page four hundred and nineteen, entitled "A supplement to the act incorporating White Hall, in the county of Philadelphia, and relating to Delaware avenue," &c., be altered to "January," (it being a clerical error,) and that any all proceedings had under said sixth section and the act to which this Sixth section of act of April 9th, 1850, changed.

is a supplement, are hereby confirmed, and have the same effect as if said error had not occurred.

W. P. SCHELL,
Speaker of the House of Representatives.
 THO. CARSON,
Speaker of the Senate.

APPROVED—The twelfth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 247.

AN ACT

To incorporate the Berlin and Shanksville Plank Road company.

- Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John H. Smith, Samuel Philson, Alexander H. Philson, Samuel Heffly, Jacob Kemmil, Daniel P. Walker, Benjamin Kemmil, Daniel Shunk, and Abram Shaffer, or any three of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Berlin and Shanksville Plank Road company," with power to construct a plank road from the borough of Berlin, in the county of Somerset, to the village of Shanksville, and if the company deem it expedient, to have power to construct the same to the borough of Stoystown, in said county aforesaid, by the nearest and best route, subject to all the provisions and restrictions of an act entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto.
- Style.**
- Subject to provisions and restrictions of certain act.**
- Capital stock. Proviso.** SECTION 2. That the capital stock of said company shall consist of one hundred and twenty shares, at twenty-five dollars each: *Provided,* That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and carry out the true intent and meaning of this act.
- Tolls.** SECTION 3. That whenever said company shall have finished two miles or more of said road, they shall have power to erect a gate or gates and receive tolls, agreeably to the conditions and restrictions of sections twelve and thirteen of an act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.
- Commencement and completion of road.** SECTION 4. That if said company shall not commence the construction of said road within three years after the passage of this act, and complete the same within five years thereafter, this act shall be null and

void, except so far as may be necessary to wind up the affairs and pay the debts of said company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 248.

AN ACT

Relating to roads and bridges in certain townships in the county of Lawrence; to the register's court of Lawrence county; to the bail of constables, to the premium on fox scalps, and to the borough of New Bedford, in said county; to incorporate the McConnellsburg and Burnt Cabins Turnpike or Plank road company; to pay the school treasurer of Huston township, Centre county, certain money; to certain election districts; to the will of Robert Gilgore, authorizing the commissioners of Armstrong county to build a bridge; and relative to the official acts of Warren Perry, a justice of the peace in Warren county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Provisions of certain act extended to townships in Lawrence county. the act relating to roads and bridges in the counties of Crawford, Clearfield and Greene, approved the seventh day of May, Anno Domini one thousand eight hundred and forty-four, be and is hereby extended to the townships of Mahoning, Pulaski, Wilmington, North, Slippery Rock, and Neshanock, in the county of Lawrence.

SECTION 2. That any act inconsistent with the first section of this Repeal. act is hereby repealed, so far as relates to the townships of Mahoning, Pulaski, Wilmington, North, Slippery Rock, and Neshanock, in the county of Lawrence.

SECTION 3. That the provisions of the sixth section of the supplement to an act entitled "An Act erecting parts of Beaver and Mercer counties into a separate county, to be called Lawrence," and approved the twenty-fifth day of March, one thousand eight hundred and fifty, are hereby extended to the register's court of the county of Lawrence, and all transfers heretofore made to said court are hereby legalized, and it shall be the duty of the court of common pleas of the county of Lawrence to require sufficient bail from the several constables of said county to secure the payment of all tax that may be put into their hands for collection to the proper treasurers, and it shall be the duty of the several constables hereafter in said county, to collect and pay over the school, road and poor tax, in the same manner as they now are required to collect and pay state and county tax. Proceedings in register's court in Lawrence co. legalized.

Repeal.

SECTION 4. That the fourth section of an act to provide for the incorporation of boroughs, passed April first, one thousand eight hundred and thirty-four, is hereby repealed so far as relates to the borough of New Bedford, in Lawrence county.

Fox scalps.

SECTION 5. That the law now in force relating to premiums on fox scalps in the county of Mercer, is hereby extended to the county of Lawrence.

Commissioners.

SECTION 6. That Mark Dickson, Jacob Reed, George Wilds, Daniel Fore, George McGowan, Frederick Harmering, John Sloan, David Fore, Philip Allen, Robert Campbell, Abraham Hershey, James Camp, Samuel Barker, Elias Fraker, Thomas Huston, John Q. Wilds, Benjamin Wollett, David Welsh, Ephraim Ramsey, Joseph Woods, Nathaniel Kelley, Wilson L. Cline, Frederick Dubbs, James Kelly, and William Pym, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of the McConnellsburg and Burnt Cabins Turnpike and Plank Road company," with power to construct a turnpike or plank road from the borough of McConnellsburg to the town of Burnt Cabins, in the county of Fulton, and if the company deem it expedient, to extend a branch thereof to any other point within the said county of Fulton, subject to all the provisions and restrictions of an act entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, A. A. one thousand eight hundred and forty-nine, and the several supplements thereto.

Style.

Subject to provisions and restrictions of certain act.

Capital stock.

Proviso.

SECTION 7. The capital stock of said company shall consist of five hundred shares, at twenty five dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road and carry out the true intent and meaning of this act.

Tolls.

SECTION 8. That whenever said company shall have finished two miles or more of said road, they shall have power to erect a gate or gates and receive tolls, agreeably to the conditions and restrictions of sections twelve and thirteen of said act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

Commencement and completion of road.

SECTION 9. That if the said company shall not commence the construction of said road within three years, and complete the same within seven years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of said company.

School treasurer to receive certain moneys.

SECTION 10. That the Superintendent of common schools be and hereby is authorized to pay to the school treasurer of Huston township, Centre county, the amount of State appropriation due said township for the year one thousand eight hundred and fifty-two.

New Castle, Lawrence co.

SECTION 11. That the qualified elections of the borough of New Castle, in the county of Lawrence, shall hereafter hold their township and general elections in the Town Hall in said borough.

Neshannock tp., Lawrence co.

SECTION 12. That the qualified electors of the township of Neshannock, in the county of Lawrence, shall hereafter hold their township and general elections in the arbitration room of the court house.

Executors of Robert Gilgore to pay certain moneys to Jas. M. Miller.

SECTION 13. That the executor of the last will and testament of Robert Gilgore, deceased, late of the county of Lawrence, be and he is hereby empowered to pay to James M. Miller all money or moneys which is now or may hereafter come into his hands as the executor of the estate of the said Robert Gilgore, the same to be held by the said James M. Miller in trust, for the children or grand children of John

Gilgore, brother to said Robert Gilgore, and to be refunded, without interest, to the said children, upon their appearing and making demand for the same : *Provided*, That said James M. Miller execute and give to the Commonwealth a bond, to be approved by the orphans' court of Lawrence county, conditioned for refunding said sum of money to the heirs at law legally claiming of the said testator, Robert Gilgore, at any time hereafter.

SECTION 14. That the commissioners of Armstrong county be and they are hereby authorized to erect a bridge over Crooked creek, in said county, at or near Cochran's mill. Bridge over
Crooked creek.

SECTION 15. That hereafter the township and general elections in Morris tp., Morris township, Clearfield county, shall be held at the house of Clearfield co. Thomas Kyler in said township.

SECTION 16. That the official acts of Warner Perry and H. R. Rouse, justices of the peace of South West township, in the county of Warren, shall not be deemed invalid in consequence of the said justices having heretofore held their offices in a tavern house, but the same are hereby legalized and made valid. Official acts of
W. Perry and H.
R. Rouse made
valid.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 249.

AN ACT

To incorporate the Protection Hook and Ladder company, of the district of Kensington, in the county of Philadelphia; authorizing the School Directors of Collins township, Allegheny county, to borrow money; relative to the First Troop of Cavalry of Philadelphia; to the sale of liquor in Abington township, Luzerne county; to an election district in Warren county; authorizing the Sunbury Canal company to hold certain lands; and relative to weights and measures in York county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all persons who are now members of the association called the Protection Hook and Ladder company, of the district of Kensington, in the county of Philadelphia, or who shall be hereafter admitted members of the same, shall be and they are hereby erected and declared to be one body politic and corporate, by the name, style and title of "The Protection Hook and Ladder company," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or otherwise, and to purchase, re- Corporation.
Style.

- Privileges.** ceive, have, hold and enjoy, to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises and hereditaments, goods and chattles, of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien or dispose of: *Provided*, That the clear yearly value or income of the said corporation shall not exceed the sum of three thousand dollars, and also to make and have a common seal, and the same to break, alter or renew, at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter or the Constitution and laws of the United States or of this Commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation and the due ordering and management of the affairs thereof.
- Proviso.**
- Banking privileges prohibited.** **SECTION 2.** That nothing in this act contained shall be deemed to authorize the said company to engage, either directly or indirectly, in any banking, moneyed, commercial or manufacturing concern, but the object of the said corporation shall be the promotion of the public good by the extinguishment of fires.
- Reservation.** **SECTION 3.** That the Legislature reserves the right to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion the same shall be injurious to the citizens of this Commonwealth, in such manner however that no injustice shall be done to the corporators.
- School directors of Collins tp. to borrow money.** **SECTION 4.** That the school directors of Collins township, in the county of Allegheny, be and they are hereby authorized to borrow a sum of money, not exceeding fifteen hundred dollars, for the purpose of purchasing ground and erecting school houses thereon for said school district, and it shall and may be lawful for the board of directors of said school district to secure the money so borrowed, by bond of said directors and mortgage upon the real estate of said school district, or otherwise, as the said directors may deem proper, to be repaid out of the school tax to be hereafter collected therein.
- First Troop of Philadelphia city cavalry.** **SECTION 5.** That in addition to the commissioned officers provided for by existing laws for the First Troop of Philadelphia city Cavalry, there shall be a cornet, who shall be elected in the same manner as provided for in case of vacancy in any of the commissioned officers of said company.
- Provisions of certain act extended to Abington tp., Luzerne co.** **SECTION 6.** That the provisions of the first section of an act relating to the sale of liquors in the borough of Mauch Chunk, Coudersport, and McKeesport, &c., of the fourth day of May, A. D. one thousand eight hundred and fifty-two, be and the same are hereby extended to the township of Abington, in the county of Luzerne, and that persons violating the provisions of this act shall for every offence be subject to the penalties of the laws now in force against tippling houses.
- Kinzua tp., Warren co.** **SECTION 7.** That from and after the passage of this act, it shall be lawful for the qualified voters of Kinzua township, in the county of Warren, to hold their general and township elections at the house now occupied by Sterling Greene.
- Sunbury canal company to hold land.** **SECTION 8.** That the Sunbury canal company shall have power or authority to hold and purchase, in fee simple, such land and real estate adjoining or near to their said canal, as they shall see proper, not exceeding two hundred acres, and shall have authority to make such docks, wharves, depots, and landings therein, for the accommodation of the coal, lumber, and other trade, as shall, in the discretion of said compa-

ny, be deemed expedient and proper, and should said company have or hold any surplus of real estate above authorized to be purchased and held, and which shall not be necessary for the purposes of docks, wharves, depots, landings, and other purposes of this act, they shall be and are hereby authorized and required to sell and dispose of the said surplus, at private or public sale, in parcels or together, as they shall judge most expedient, within five years after the passage of this act.

SECTION 9. That said company shall have authority to increase their capital stock from time to time, to such amount as they shall deem expedient and necessary for the purposes of this act. Increase of capital.

SECTION 10. That the commissioners of the county of York are hereby authorized and required, on or before the first day of May next, to procure copies of the original standard of weights and measures now deposited in the office of the Secretary of the Commonwealth, and that the expense thereof shall be paid by said county, agreeably to the provisions of the act of fifteenth April, one thousand eight hundred and forty-five. Weights and measures in York co.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The thirteenth day of April, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 250.

AN ACT

To protect fruit and punish trespass in certain counties in this Commonwealth; to renew the charter of the Theological Seminary at Canonsburg, Washington county; authorizing the Philadelphia society for promoting Agriculture to borrow money; and relative to an alley in Allegheny city.

SECTION 6. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the wrongful taking and carrying away of fruit, vegetables, plants, fruit or ornamental trees, vines or shrubs, in Philadelphia, Allegheny, Northampton, Lehigh, Somerset, Wayne, Beaver, Delaware and Erie counties, and the borough of Lewisburg, Union county, whether attached to the soil or not, shall be deemed and the same is hereby declared a misdemeanor, and to be prosecuted and punished as such under the laws of this Commonwealth. Taking of fruit, &c., declared a misdemeanor.

SECTION 2. That any person or persons who shall wilfully and maliciously, in said counties, enter or break down, through or over any orchard, garden, or yard fence, hot-bed, hot or green-house, or who shall wilfully and maliciously club, stone, cut, bark, break, or otherwise mutilate or damage, any fruit or ornamental tree, shrub, Punishment.

bush, plant or vine, trellis, arbour, hot-bed, hot or green-house, or who shall wilfully and maliciously trespass upon, walk over, beat down, trample, or in anywise injure any grain, grass, vines, vegetables, or other growing crop in the said counties, shall and may, on conviction thereof, in action of trespass before any mayor, burgess, alderman or justice of the peace, or in any court of law of said county, have judgment against him, her or them, for double the amount of damage proved to have been done, together with costs of suit, one-half of said damage or penalty to go to the use of the poor of the district wherein the premises lie, and in default of payment of said fine, the party convicted may and shall be committed to jail, for not less than one nor more than twenty days, said action to be brought in the name of the Commonwealth, and the testimony of the owner or occupant of the premises shall be admitted as evidence to establish the trespass.

Destruction of certain birds prohibited.

SECTION 3. That no person shall wilfully kill or destroy any insectivorous bird in the said counties aforesaid, except game, crows, black birds, or birds of prey, under a penalty of five dollars and costs for each and every offence, to be sued for and recovered before any magistrate, one-half for the use of the informer and one-half for the use of the Commonwealth.

When to take effect

SECTION 4. That the foregoing sections of this act shall take effect from and after the first of August next.

Repeal.

SECTION 5. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Theological seminary at Canonsburg.

SECTION 6. That an act entitled "An Act to incorporate the Theological Seminary at Canonsburg, in the county of Washington, belonging to the synod of the Associate Presbyterian church," approved the eighth day of April, A. D. one thousand eight hundred and thirty-three, be and the same is hereby re-enacted, and the corporation and body politic thereby created shall have perpetual continuance, by the name, style and title of the trustees of the Theological Seminary at Canonsburg, belonging to the synod of the Associate Presbyterian church of North America.

To hold real and personal estate.

SECTION 7. That the said corporation shall be capable to possess, purchase, take, hold and enjoy, for the use of said Theological Seminary, any real or personal estate, or money, the clear yearly value or product of which shall not exceed the sum of ten thousand dollars.

Philadelphia society for promoting agriculture.

SECTION 8. That it shall be lawful for the Philadelphia society for promoting agriculture to borrow a sum or sums of money, not exceeding twenty thousand dollars, and to issue certificates of loan for the same, in amounts of not less than one hundred dollars, which certificates shall be transferable, either by the owner in person or by his attorney duly authorized, and the said society are hereby empowered to execute their bond and to mortgage their real estate for securing the payment of the certificates of loan issued by virtue of this act.

Relative to a certain alley in Allegheny city.

SECTION 9. That the ten feet alley as laid out in Heylop's plan of lots in Allegheny city, running from Boyle street to an alley between Hemlock street and Locust street, be and the same is hereby vacated.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 251.

AN ACT

To incorporate the Farmers' Union Insurance company of Pennsylvania; legitimating Clara Jane Brock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Charles F. Welles, junior, J. E. Canfield, William H. Overton, James H. Welles, Francis Tyler, William Scott, William B. Darlington, Chauncey N. Shipman, William E. Barton, Addison McKean, and George Sanderson, and all other persons who may hereafter associate with them in the manner hereafter prescribed, shall be a corporate body, by the name of "The Farmers' Union Insurance company," and shall have power and authority to make contracts of insurance with any person or persons, or any body politic or corporate, against loss or damage by fire, of detached dwelling houses, barns, and other out-buildings, and personal property, for such term or terms of time, and for such premium or consideration, and such modification and restrictions, as may be agreed on between the said corporation and the persons agreeing with them for said insurance.

Corporators.

Style.

Privileges.

SECTION 2. That the operations, business and office of the said corporation shall be carried on and conducted at the borough of Athens, in the county of Bradford.

Business of corporation.

SECTION 3. That all persons who shall hereafter insure with the said corporation, and all their heirs, executors, and administrators and assigns, continuing to be insured in said corporation as is hereafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

Members.

SECTION 4. That the affairs of said corporation shall be managed by a board of eleven directors, to be chosen by ballot, from among the members, a majority of whom shall constitute a quorum for the transaction of business; Charles F. Welles, junior, J. E. Canfield, William H. Overton, James H. Welles, Francis Tyler, William Scott, William E. Barton, William B. Darlington, Chauncey N. Shipman, Addison McKean, and George Sanderson, shall be the directors of said corporation, and shall continue in office for the term of one year and until others may be chosen, and no longer, which directors shall be elected on the first Monday of April in each year, at such hour of the day, and at such place in the borough of Athens, as the board of directors for the time being shall determine or appoint, of which election public notice shall be given in one of the public newspapers printed in the county of Bradford, at least thirty days immediately preceding such election, and such election shall be holden under the inspection of three members, not being directors, to be appointed previous to the election by the board of directors, and such election shall be made by ballot, and by a plurality of votes of the members then present, or their proxies, allowing to each member one vote for every three hundred dollars insured.

Affairs of corporation, how managed.

SECTION 5. That the directors hereinbefore named shall, as soon as may be after the passing of this act, and the directors to be chosen at

Officers.

such annual elections shall, as soon as may be thereafter, proceed to choose out of their body one person to be president, one person to be secretary, and one person to be treasurer, the latter of whom shall be ex-officio vice president, and as such shall perform any duties required of the president in his absence, and in case of the death, resignation, or inability to serve, of the president or any of the officers or directors of the said corporation, such vacancy may be filled for the remainder of the year by the board of directors.

Rates of insurance.

SECTION 6. That the rates of insurance shall be from time to time fixed and regulated by the directors of the company, and premium notes therefor shall be received from the insured, which shall be paid at such time or times, and in such sum or sums, as the corporation shall from time to time require, and any person applying for insurance shall pay a cash premium in addition to a premium note, or a definite sum in money, to be fixed by said corporation, in full for said insurance and in lieu of a premium note.

Failure to elect not to dissolve corporation.

SECTION 7. That if it shall at any time happen that an election of president, secretary, treasurer, or directors, shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors and officers, in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

Dividends.

SECTION 8. That if it should ever happen that the stock of said company deposited and paid as aforesaid, shall not be sufficient to pay all the losses occasioned by fire, then and in such case the sufferers insured by said company shall receive towards making good their respective losses, a proportionable dividend of said whole stock, according to their respective losses and the respective sums to them insured by said company, or if there should be an excess of funds, the directors may declare a dividend to each member, apportioned to the amount originally paid.

Members bound to pay for losses.

SECTION 9. That every member of said company shall be bound to pay for losses, and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposit note, and suits at law may be maintained by said corporation against any of its members for the collection of said deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also suits at law may be prosecuted and maintained by any member against said corporation for losses or damage by fire, if payment is withheld more than four months after the company are duly notified of such losses, and no member of the corporation not being in his individual capacity a party to such suit, shall be incompetent as a witness in any such cause on account of his being a member of said company.

Certificate of secretary to be evidence.

SECTION 10. That whenever an assessment is made on any premium note given to the Farmers' Union Insurance company, for any hazard taken by said company, or as consideration for any policy of insurance issued or to be issued by said company, and an action is brought for the recovery of such assessment, the certificate of the secretary of said company, specifying such assessment, and the amount due to said company on such note by means thereof, accompanied by the affidavit of such secretary of its correctness, shall be taken and received as prima facie evidence thereof in all courts of this Commonwealth.

Statement of officers to be published.

SECTION 11. That within thirty days after the annual meeting for the election of officers and directors, it shall be the duty of the secretary of the corporation to cause to be made and published in one or more newspapers of Bradford county, a statement of the affairs of the

corporation, the amount of premiums received, the amount of expenses and losses during the year, the amount of risks, the dividends paid, and a general balance statement of the affairs of the corporation.

SECTION 12. That any act or thing by this act authorized, or required to be done by the secretary of the Farmers' Union Insurance company, may be done by the deputy or clerk of such secretary having charge of the office, with the consent of the board of directors, with the like effect to all intents and purposes, as if done by said secretary. Duties of deputy or clerk.

SECTION 13. That the president, treasurer and secretary shall constitute the executive committee or board of the company, and when a quorum of the directors are not in session, may exercise all powers vested in the board of directors. Executive committee.

SECTION 14. That the board may appoint such agents and subordinate officers as they shall deem necessary, and all such agents and officers shall be regarded as the agents of this company, and the company shall be responsible for their official acts, and pay all or any of the officers or agents chosen or appointed by them, such salaries and allowances as they shall deem meet, and may at any time remove any of them and choose or appoint others in their places. Agents and subordinate officers.

SECTION 15. That the directors shall have power to make from time to time such by-laws, not inconsistent with this charter and the constitution and laws of this State, as they may deem necessary for the government of its officers and the conduct of its affairs, and every member of this company shall be bound by the provisions of this charter and such by-laws. By-laws.

SECTION 16. That the business of the company shall be conducted on the plan of mutual insurance, with the right of adding to the capital of said company a sum not less than fifty nor more than two hundred thousand dollars, and of managing the same separate and apart from the mutual business of said company, and the board of directors may, at such time hereafter as the majority of them shall by resolution determine, unite a cash capital as aforesaid, pursuant to the provisions of this act, as a further and additional security to the insured in said company beyond the funds hereinafter provided for. Business to be conducted on the plan of mutual insurance.

SECTION 17. That the time, terms and mode of increasing the cash capital mentioned in the preceding section, and requiring payment thereof, shall be fixed and determined by the directors, in a manner not inconsistent with the law and this charter. Cash capital.

SECTION 18. That the board of directors shall cause suitable books to be kept for the registry and transfer of the shares for which scrip may be issued, representing the increased capital of this company, and every transfer to be valid shall be made on such books, and signed by the shareholder or his or her attorney, duly authorized in writing, and every transfer shall be made and taken expressly subject to all the conditions and stipulations contained in this charter, or the by-laws that may be adopted by the directors. Books to be kept.

SECTION 19. That the shares of the capital stock of this company shall be deemed pledged and held in security by the officers thereof for the payment of all debts and liabilities of the owners thereof, to this company, whether absolute or contingent, and no transfer of any stock can be made until such debts and liabilities are discharged, without a resolution of the board of directors assenting to such a transfer. Debts and liabilities.

SECTION 20. That all persons who hold scrip to the amount of one hundred dollars or upwards, representing the increased capital of the company, shall be entitled to one vote for each one hundred dollars so held, and no more, and the board of directors of said company are hereby authorized and empowered, at any of its meetings to provide a Scrip holders to vote.

form for the appointment of proxies, and to specify the evidence that may be required in the execution thereof, and at their pleasure to alter and modify the same.

Further privileges.

SECTION 21. That the corporation hereby created shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts and places, and in all matters whatsoever, with full power to hold, possess, use, occupy and enjoy, all such real estate as shall be necessary for the transaction of its business, or which may be conveyed to said company as security or in payment for any debts that may be due or owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of a court of equity in their favor, and the same real estate sell, convey and dispose of, and may have a common seal and use at pleasure, and to receive all proposals or applications for insurance in writing, as a warranty on the part of those insuring, and to base policies of insurance thereon, and to incorporate the same as a part of the contract between the company and the insured, and for the purpose of defining the rights of each contracting party.

Policies or contracts to be subscribed by the president and secretary.

SECTION 22. That all policies or contracts of insurance which may be made or entered into by said corporation, shall be subscribed by the president and secretary, or such other officers as shall be designated for that purpose by its by-laws, and being so signed, shall be binding and obligatory on said corporation, without the seal thereof, according to the true intent and meaning of such policy or contract.

Clara Jane Brock legitimated.

SECTION 23. That Clara Jane, a daughter of William Brock, junior, and Catharine his wife, of the county of Schuylkill, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if she had been born in lawful wedlock.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—This thirteenth day of April, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 252.

AN ACT

To incorporate the Jeffersonville, Phoenixville and Chester Spring Plank Road company; relative to elections in Sadsbury township, Chester county; and to legitimate Thomas Mifflin Wistar.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Jones, Benjamin Hartman, John Clevenstine, Henry Kimber, Isaac Pennypacker, Joshua Aman, Abraham Buckwalter, James Mellon, Samuel Moses, Jacob Bouch, Cephas Davis, Morris Maris, Samuel Hallman, John Ralston, George Christman, John Latshaw, Moses Moses, Samuel A. Whitaker, Alexander Kennedy, and Samuel Kremer, of Chester county, and Samuel E. Hartranft, John Heius, Thomas H. Wentz, Philip Hahn, John Schrach, Samuel W. Gumbes, James B. Evans, S. N. Rich, D. R. Brower, Theodore Morgan, William W. Taylor, William Davis, Abraham Brower, Joseph Whitaker, William Casselberry, Joel Fink, William Schall, John Shearer, Benjamin Jacobs, Joseph W. Hunsicker, John Kennedy, William Wetherill, Thomas P. Knox, B. Markley Boyer, Michael C. Boyer, William H. Shirgheff, and A. W. Shearer, of Montgomery county, and John Price Wetherill, and George Cadwallader, of Philadelphia county, or any five of whom, shall have power to exercise all the powers hereby conferred, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Jeffersonville, Phoenixville and Chester Spring plank road company," with power to construct a plank road from Jeffersonville, in Montgomery county, via. Phoenixville and Kimberton, to Chester Spring, in Chester county, with the privilege to extend the same so as to intersect the Conestoga turnpike and Lancaster turnpike, or either of them, by the nearest and best route or routes, as the stockholders may determine upon, subject to all the provisions and restrictions of an act entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, excepting that portion of the thirteenth section of said act relating to tolls, which discriminates in favor of wheels of four inches and upwards, and that portion of the eleventh section of said act which provides that the track of plank road erected under its provisions shall in no case rise or fall more than will form an angle of three degrees, with a horizontal line, and the company hereby incorporated shall have power to regulate their tolls without reference to the width of the wheels in any case, and without reference to the tolls taken by any bridge company whose bridge may be used in the route of the said road, and also to lay the track or bed of their road at any angle not exceeding four degrees with a horizontal line, and where the ground on the route of the said road, shall be so hard and compact as to make a good road without any covering of wood or plank, or where the same can be made hard and compact without such covering, it shall be lawful to construct the said road at such points without any covering of wood or plank, and the same shall forever thereafter

Commissioners.

Style.

Subject to provisions of certain act.

Tolls.

be kept and maintained in good repair by the said company, except however, where the same passes through incorporated towns.

Capital stock.
Proviso.

SECTION 2. That the capital stock of said company shall consist of four thousand shares, of twenty dollars each: *Provided*, That the said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the said road, and carry out the true intent and meaning of this act.

To occupy
bridges, streets,
roads, &c.

SECTION 3. That it shall be lawful for the said company to make use of any county bridge on the line of the route of their road, and also use and occupy the whole, or any part of any public street or road, and locate their road upon the ground occupied by any public street or road, and the courts of quarter sessions of the respective counties through which the road of the said company shall pass, shall appoint viewers to view and vacate such parts of any public road as shall be used, or rendered useless, by the said company, as is provided by the general road laws of this Commonwealth, in the cases of roads which have become useless.

Commencement
and completion
of road.

SECTION 4. That if the said company shall not commence the construction of the said road within three years from the date of the passage of this act, and complete the same within ten years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of said company.

Repeal.

SECTION 5. That the provisions of an act approved the twenty-sixth day of February, one thousand eight hundred and fifty-three, entitled "An Act authorizing the election of four supervisors in Hempfield township, Westmoreland county, and for other purposes, so far as relates to the qualified voters of Sadsbury township, Chester county, determining by ballot the place of holding the general and township elections in said township, are hereby repealed.

Thomas Mifflin
Wistar legitimated.

SECTION 6. That Thomas Mifflin Wistar, son of Richard M. Wistar, shall have and enjoy all the rights and benefits of a child born in lawful wedlock, and shall be able and capable in law, to inherit and transmit any estate whatsoever, as fully and effectually as if he had been born in lawful wedlock.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—This thirteenth day of April, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 253.

AN ACT

To appoint commissioners to lay out certain roads in Allegheny county; and relative to a State Road in Montour and Northumberland counties; and to the Wattsburg and Warren Plank Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners.

William G. Hawkins, Christian Snively and George R. Riddle, be and are hereby appointed commissioners, to lay out such roads as may be necessary to connect the Monongahela cemetery with Braddock Field plank road, in the county of Allegheny, and the road located by them, when reported and returned to the court of quarter sessions of said county, shall be deemed and taken as a lawful public road: *Provided,* Proviso. That the said commissioners shall assess the damages that may accrue to any person or persons owners of the lands through which such road may pass, and that said road shall not be opened until after the damages so assessed shall have been paid by the managers of the Monongahela Cemetery company, and that the said company shall also pay for the making and keeping in repair of the said road.

SECTION 2. That any owner of property over which said road may pass, desirous of excepting to the assessment of damages made by said commissioners, may have said proceedings removed to any court of Allegheny county having jurisdiction of the same, and on such removal the said Cemetery company shall give security, to the satisfaction of the court, for the payment of such damages as may be finally approved, and upon such removal, such further proceedings may be had in said court as are prescribed by the general road laws. Damages.

SECTION 3. That William Montgomery, of Montour county, John Commissioners. Murray and William H. Man, of Northumberland county, be and they are hereby appointed commissioners, to view and lay out a State road from Limestoneville, in Montour county, by the nearest and best route, to the borough of Milton, in Northumberland county.

SECTION 4. That it shall be the duty of said commissioners, or Duties of com- a majority of them, after taking and subscribing an oath or affirmation missioners. before a justice of the peace to perform the duties enjoined upon them by this act with fidelity and impartiality, to carefully view the ground over which the said road may pass, and lay out and mark the same upon the ground, on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ two chain carriers, at a per diem allowance not exceeding one dollar each, and the said com- Compensation. missioners respectively shall receive a per diem allowance not exceeding two dollars for each and every day necessarily employed in the discharge of the duties enjoined by this act, which shall be paid by the treasurers of the counties of Montour and Northumberland, upon the rendition of the accounts of said commissioners.

SECTION 5. That it shall be the duty of said commissioners to make Drafts to be out a fair and accurate draft of the location of said road, respectively made out and noting thereon courses and distances as they occur, with such other filed.

matters as may serve for explanation, a copy whereof to be deposited in the office of the Secretary of the Commonwealth, before the first day of June next, and one copy in the offices of the clerks of quarter sessions of the respective counties in which the said road may be located, the said road shall be to all intents and purposes a public highway, and shall be opened to the breadth and repaired in all respects as roads are opened and repaired which are laid out by the order of the courts aforesaid.

Wattsburg and
Warren plank
road, time for
construction
extended.

SECTION 6. That the time for the commencement of the construction of the Wattsburg and Warren Plank Road company, incorporated by an act passed the twenty-fourth day of March, one thousand eight hundred and forty-nine, is hereby extended to another term of three years, and the said Wattsburg and Warren Plank Road company are hereby authorized to terminate their road at the town of Columbus, in Warren county.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 254.

AN ACT

Authorizing the Governor to incorporate the Darby and Springfield Turnpike or Plank Road company; and repealing the third, fourth, fifth, sixth, seventh, and eighth sections of an act relating to certain school districts and roads in Perry county, and for other purposes, so far as they apply to Oliver township, in said county.

Commissioners. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Style. Sketehley Morton, James Andrews, William Eves, Eli D. Pierce, Isaac Halderman, D. R. Hawkins, Thomas Horne, William C. Longstreth, Isaac Hibberd, William Ogden, Isaac L. Bartram, William Jones, Thomas L. Bartram, John B. Bartram, Jacob S. Serrill, Joseph M. Bunting, and John H. Andrews, be and they, or a majority of them, are hereby

Subject to provisions of certain act. appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Darby or Springfield Turnpike or Plank Road company," with power to construct a turnpike or plank road upon and along the Springfield and Providence road, commencing at the junction of the Springfield and Great Southern post road in the village of Darby, in the county of Delaware; thence extending upon and along the line of the Springfield road to the Providence road; thence upon and along the line of the said Providence road to the intersection of the Delaware County turnpike road at or near Thompson's

bridge, in the township of Springfield in said county; subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the supplements thereto: *Provided*, That if a single track shall be deemed sufficient to accommodate the travel, the said company shall have power to construct the same, which track shall not be less than eight feet in width. Proviso.
Capital stock.

SECTION 2. That the capital stock of the said company shall consist of eight hundred shares, at twenty-five dollars each. Commencement
and completion
of road.

SECTION 3. That if the said company shall not commence the construction of their road within two years after the passage of this act, and complete the same within five years, this act shall be null and void, except so far as it is necessary to settle the affairs of the company. Repeal.

SECTION 4. That the third, fourth, fifth, sixth, seventh and eighth sections of the act entitled "An Act relating to certain school districts and roads in Perry county, and for other purposes," approved the eleventh day of March, Anno Domini one thousand eight hundred and fifty-one, be and the same are hereby repealed, so far as they apply to Oliver township, in said county.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The thirteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 255.

AN ACT

To incorporate the East Liberty and Sharpsburg Plank Road company; relative to the Mechanics' Savings Bank of Harrisburg; authorizing Albert G. Brodhead to cut a channel through a certain island in the river Delaware; authorizing the commissioners of the district of Moyamensing to curb and pave Orange street; legitimating Henrietta Will; and to the safe keeping of prisoners in Westmoreland county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James McCully, George Negley, John N. Berlin, Daniel Negley, Thomas Wallace, James S. Negley, Wm. O. Leslie, James Blakely, and Jonathan Ramalley, or any three of them, be and are hereby appointed commissioners, to open books, and after giving ten days' public notice of the time and place, receive subscriptions, and organize a company, to be called "The East Liberty and Sharpsburg Plank Road company," with all the powers and privileges, and subject to all the restrictions mentioned in an act approved the twenty-sixth day of January, one thou- Commissioners
Style.
Subject to provisions of certain act.

sand eight hundred and forty-nine, entitled "An Act regulating Turnpike and Plank Roads," so far as the same is consistent herewith.

Power to construct a plank road.

SECTION 2. That the said company shall have power to construct a plank road, beginning at the junction of the Pittsburg and Greensburg turnpike road and Highland lane in the village of East Liberty, Allegheny county, and extending along said Highland lane to land now owned by James McCully, and thence by the most practicable route to intersect the Lawrenceville and Sharpsburg plank road at a point on the south side of the Allegheny river opposite Sharpsburg, or to any intermediate point, at the discretion of the president and managers of said company, and when that portion of said road lying between the Pittsburg and Greensburg turnpike road, and the said land owned by James McCully, shall be finished, the said company shall have power to erect gates and collect toll for travel thereon, without view or further license.

Capital stock.

SECTION 3. That the capital stock of said company shall consist of two hundred shares, of twenty-five dollars each, and the said company, at any meeting of the stockholders called for the purpose, shall have power to increase the same, to any amount sufficient to complete said road, and it shall be lawful for the Governor to grant said company letters patent, in the manner prescribed in the second section of said act regulating turnpike and plank roads, when ten persons or more shall have subscribed ten per centum on the capital stock thereof.

Stockholders of Mechanics' saving bank individually liable.

SECTION 4. That the stockholders of the Mechanics' Savings Bank of Harrisburg shall be individually liable for the debts of the same, which liability shall be enforced in the manner provided for the enforcing the individual liability of stockholders of banks, by the act of the sixteenth day of April, A. D., one thousand eight hundred and fifty, entitled "An Act regulating banks," and any officer or agent of said Mechanics' Savings bank who shall embezzle or appropriate to his own use, without authority, any of the funds of said bank, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than the amount so embezzled or appropriated, and shall be imprisoned in the Dauphin county prison for any period not less than six months nor more than two years, at the discretion of the court, and that the seventh section of the act incorporating the said Mechanics' Savings bank of Harrisburg, approved the fifth day of February, A. D., one thousand eight hundred and fifty-three, be and the same is hereby repealed.

Channel through an island in the river Delaware.

SECTION 5. That Albert G. Brodhead, junior, of the borough of Mauch Chunk, be and he is hereby authorized to cut and maintain a channel through an island in the river Delaware surveyed in the warrantee name of Joseph Fox and Moses Purton: *Provided*, The consent of the present owners be first had and obtained.

Orange street to be curbed and paved.

SECTION 6. That the commissioners of Moyamensing are hereby authorized to curb and pave Orange street from Twelfth street westward as far as the same is opened, and to charge the expenses thereof to the owners of property fronting thereon, according to the existing laws authorizing the paving of streets and alleys within the district of Moyamensing.

Henrietta Will legitimated.

SECTION 7. That Henrietta Will, daughter of Margaret Will, late of Cambria county, shall enjoy all the rights and privileges of a child born in lawful wedlock.

Temporary jail or lock-up house in Greensburg.

SECTION 8. That until the completion of the new prison in Westmoreland county, which is about being built by the commissioners of said county, agreeably to the recommendation of two successive grand juries and the court, the said commissioners are hereby authorized to provide some suitable place or building in the town of Greensburg or

its vicinity, to be used as a temporary jail or lock-up house, or that the said commissioners shall have the right and power to contract with the proper authorities of the county of Allegheny, or some other adjoining county, for the safe keeping and supporting in the common jail or prison of said county, of all such persons as are now confined in the jail of Westmoreland county, or that may be hereafter sentenced or committed to prison, until the completion of the aforesaid building, and it shall be lawful for any court, judge, justice of the peace, or committing magistrate, in all cases wherein according to existing laws he or they might lawfully commit or sentence to be confined any person in the common jail of the county of Westmoreland, to commit and order to be confined such person or persons in the said temporary prison or jail of the said county of Allegheny, or adjoining county, as said commissioners may determine, and the keeper of said temporary jail, or the keeper of the common jail of said county of Allegheny, or the keeper of the common jail of any county adjoining Westmoreland, is hereby authorized and directed to receive and detain all such persons in said temporary jail or jails, of said county of Allegheny, or adjoining county, until he, she or they shall be delivered therefrom to the sheriff of Westmoreland county for trial, or in due course of law, as in other cases, and upon the completion of said prison, to transfer all persons who shall be then in confinement in said temporary jail, or jail of the said county of Allegheny or adjoining county, placed there by the authorities of Westmoreland county, into said prison, and then there detain until the expiration of the terms for and during which they shall have been respectively sentenced or committed : *Provided*, That the costs and expenses of detaining and keeping the prisoners of the county of Westmoreland in the jail of Allegheny county, or such adjoining county as the prisoners may be committed or sentenced to under the provisions of this bill, shall be defrayed by the said county of Westmoreland : *And provided further*, That the sheriff of the county of Allegheny, or of such county as such prisoners may be committed or sentenced to under this act, shall be civilly and criminally liable for their safe keeping, in the same manner that they now are liable for prisoners committed under the general laws.

Provido.

Provido.

Compensation of sheriff.

SECTION 9. That the sheriff of Westmoreland county shall be entitled to receive the sum of three dollars per day for every day he is engaged in conveying prisoners to and from the jail in Allegheny county, or of such adjoining county, together with all necessary expenses and charges.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 256.

AN ACT

To incorporate the Aulenbach's Cemetery company, in the township of Alsace, Berks county; to supervisors in Ontalaunee township; to the collection of taxes in Perry township, in said county; and authorizing Ole Bull to hold lands in this Commonwealth.

Preamble.

WHEREAS, The establishment of cemeteries in the vicinities of large cities and popular places, is deemed to be expedient and useful to the inhabitants, and the citizens of Reading and vicinity are desirous of promoting such an establishment at a convenient distance from their city :

Preamble.

And Whereas, Charles Aulenbach, of the said city, has agreed to convey, and already did lay out and establish a cemetery or burial place on a lot of ground containing about two acres, lying near the Perkiomin and Reading turnpike road, about one mile from the city of Reading, in Alsace township, Berks county, which said two acres he caused to be laid out into burial lots, the plan thereof being recorded in the office for recording of deeds at Reading, in and for Berks county, in deed book A, volume fifty-eight, page six hundred and thirty-eight, and has already thereof conveyed lots therein unto John Miller, Richard Hofmaster, Adam Prutzman, Daniel B. Lewis, Henry Happ, John Mohring, Daniel Burkert, Mathias Roland, Henry Hahn, Jacob and George Drenkel, Elizabeth Getz, Solomon Dunkel, John Christian, Charles Fix, Jeremiah Eisenbeis, Daniel O. Seider, William Bingaman, Michael Sands, Frederick Leibbrook, Vallintin Graff, and Aaron Albright, and on which are already buried the dead bodies of thirty or more persons : therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Corporators.

the said John Miller, Richard Hofmaster, Adam Prutzman, Daniel B. Lewis, Henry Happ, John Mohring, Daniel Burkert, Mathias Roland, Henry Hahn, Jacob and George Drenkel, Elizabeth Getz, Solomon Dunkel, John Christian, Charles Fix, Jeremiah Eisenbeis, Daniel O. Seider, William Bingaman, Michael Sands, Frederick Leibbrook, Vallintin Graff, and Aaron Albright, together with such other persons as may hereafter become purchasers of lots in said cemetery, be and they are hereby made a body politic and corporate in law, under the name, style and title of "Aulenbach's Cemetery company," and by that name shall be able and capable in law to use a common seal, and to sue and be sued, to plead and to be impleaded, and to do all such other things as are incident to a corporation.

Style.

Meeting of
corporators.

SECTION 2. That the said John Miller, Richard Hofmaster, Adam Prutzman, Daniel B. Lewis, Henry Happ, John Mohring, Daniel Burkert, Mathias Roland, Henry Hahn, Jacob and George Drenkel, Elizabeth Getz, Solomon Dunkel, John Christian, Charles Fix, Jeremiah Eisenbeis, Daniel O. Seider, William Bingaman, Michael Sands, Frederick Leibbrook, Vallintin Graff and Aaron Albright, together with such other persons as may hereafter become purchasers of lots in said cemetery, shall meet on the last Monday in February in every year, and elect by ballot, one person as treasurer and secretary, and five

persons as trustees, all of which shall be lot-holders, each lot-holder to have one vote in such election, the officers so elected shall superintend the improvement of said cemetery, and contract with and employ mechanics and others to enclose the said cemetery, and otherwise to plant and embellish the same with trees, shrubbery, flowers, walks, and other ornaments; the said officers may also make and propose all such by-laws, rules and regulations as they may deem necessary or proper in relation to the same, and at an annual meeting place the same before the lot-holders for their approval or disapproval, twelve lot-holders shall be a quorum, except the officers, but there shall never be any religious rules or ceremonies adopted for the burying of the dead, against the opinion of any lot-holder, for each and every lot-holder shall have the privilege to bury his or her dead with such ceremonies as he or she, the lot-holder, may see proper, and no dead body of any white person shall ever be refused to burial in said cemetery: *Provided*, A lot-holder choose to bury the same on his or her lot. Proviso.

SECTION 3. That the trustees elected as aforesaid, shall have power to accept and fulfil a further trust from the said Charles Aulenbach, in case the said Charles Aulenbach should choose to convey unto them the lots already laid out on the said two acres and not yet sold, and also any other ground adjoining the said cemetery, the same to be laid out in the same manner for a place of interment, and subject to the same rules and regulations, and for the same purpose as the first mentioned lot, if the same shall be thought expedient. Powers of trustees.

SECTION 4. That no street, lane, or highway or railroad, shall hereafter be opened through the land so occupied as a cemetery as aforesaid, and the same shall be exempt from taxation, and no lot or subdivision of a corporation shall be subject to attachment or execution for his or her debt. No street, lane, or alley to be opened through the lands.

SECTION 5. That it shall be lawful for the said corporation to take and hold any grant, donation, or bequest of property, upon trust, to apply the same under the direction of the said trustees for the improvement or embellishment of the said cemetery, or any building, structure, or fences, erected or to be erected thereon. Corporation to hold any grant, &c.

SECTION 6. That from and after the passage of this act, the supervisors of Ontalaunee township, Berks county, shall not apply any of the monies belonging to said township either to the construction of any new foot bridge over the Maiden creek, in said township, or to the repair of those now constructed. Duties of supervisors of Ontalaunee township, Berks county.

SECTION 7. That from and after the first day of January, Anno Domini one thousand eight hundred and fifty-four, the collection of State and county taxes in Perry township, Bucks county, shall be given to the lowest bidder, proposals thereof to be presented to the commissioners of said county at least three weeks prior to the giving out of said collection of taxes, and the difference between the commissions now allowed by law for the collection of such taxes and the bids obtained under the provisions of this act, shall be paid into the common school fund of said township for educational purposes: *Provided*, That the persons to whom the collection of such taxes shall be thus allotted, shall give sufficient security to said county commissioners for the true performance of their duties in the collection of said taxes, in the same manner as collectors under existing laws are required to do. Collection of taxes in Perry township, Bucks county.

SECTION 8. That Ole Bull be and is hereby empowered to purchase lands, tenements, and hereditaments, within this Commonwealth, and Ole Bull authorized to purchase and hold lands.

to have and to hold the same to him and his heirs forever, as fully, to all intents and purposes, as any natural born citizen may or can do.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 257.

AN ACT

To incorporate the Lebanon county Horse company for the detection of horse thieves and the recovery of stolen horses; relative to the Trevorton, Mahanoy, and Susquehanna railroad company; to the destruction of Woodcock in the county of Lebanon; authorizing the school directors of the borough of Lebanon to borrow money, and to occupy the buildings used by the female seminary in said borough for common school purposes; to certain election districts; amending the general Manufacturing law, so far as it relates to the counties of Dauphin, York and Adams; confirming the title to certain property in Philadelphia city; and authorizing the sale of the Baptist church in Mill Creek, Huntingdon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Lebanon county horse company for the detection of horse thieves and the recovery of stolen horses, is hereby erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Lebanon county horse company for the detection of horse thieves and the recovery of stolen horses," and by the same name shall have perpetual succession, and be able to sue and be sued, in all the courts of Pennsylvania and elsewhere, and shall be able to purchase, receive, have, hold and enjoy, to them and to their successors, lands, tenements, hereditaments, rents, annuities, franchises, goods and chattels, of what nature, quality, or kind soever, real, personal or mixed, or choses in action, and shall have power the same from time to time to sell, grant, alien and dispose of: *Provided, That* the clear yearly income of the lands and tenements, goods and chattels, shall not exceed three thousand dollars; and also to ordain, establish and put in execution such subordinate laws and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the Constitution of the United States or of this Commonwealth, and generally to do all and singular such matters and things which to them it shall lawfully appertain to do, for the well-being of the said corporation and the proper management of its affairs.

SECTION 2. That this company shall consist of all such persons as are now members, or shall hereafter be admitted as such agreeably to the by-laws of said society.

Corporation.

Style.

Privileges.

Proviso.

Membership.

SECTION 3. That the officers of the company shall consist of a **Officers.** president, secretary, and treasurer, and such others as the company may think proper to elect; the duties of said officers shall be particularly set forth in the by-laws of said company.

SECTION 4. That the officers shall be chosen by ballot, at a general **Officers, how** meeting of the said company, on the first Saturday of September **chosen.** annually, to continue in office for one year or until their successors be elected.

SECTION 5. That the funds of this company shall be raised from **Appropriation** the payment for membership, fines, and other lawful means, and shall **of funds.** be exclusively appropriated to the payment of rewards offered for and expense incurred in detecting horse thieves and recovery of stolen horses, and defraying the necessary costs attending the meetings of the company.

SECTION 6. That if at any time the funds of this company should **Deficiency, how** be inadequate to its emergencies, such deficiencies shall be levied by **levied.** an equal assessment upon every member of the company.

SECTION 7. That until the election of officers aforesaid, pursuant to **Present officers** this act, the present officers of the company shall be and they are **continued.** hereby continued and confirmed.

SECTION 8 That the Legislature reserves the right to alter, amend **Reservation.** or annul the charter at any time hereafter.

SECTION 9. That the Treverton, Mahonoy and Susquehanna rail- **Treverton, Ma-** road company, may establish its principal office for the transaction of **honoy, and Sus-** the corporate business of said company, either in the town of Trever- **quehanna Rail-** ton, or in the city of Philadelphia or the city of New York, and may **road Company.** elect any of its stockholders as managers of said company who are residents and citizens of the United States.

SECTION 10. That from and after the passage of this act, no person shall shoot, kill, or otherwise destroy any woodcock, in the county of Lebanon, between the first days of January and July in each and every year.

SECTION 11. That any person or persons offending against any of **Penalty.** the provisions of the preceding section, on conviction thereof before a justice of the peace, shall forfeit and pay for every such offence a fine of five dollars, and all costs and charges, one-half of the fine to the use of the informer, who is hereby made a competent witness, and the other half to the directors of the poor of said county, for the use of the said poor.

SECTION 12. That the school directors of the borough of Lebanon **School Directors** school district, in the county of Lebanon, be and they are hereby au- **of Lebanon** thorized to borrow any sum of money not exceeding the sum of five **borough to bor-** thousand dollars, at a rate of interest not exceeding six per cent. **row money.** per annum, for the purpose of building, enlarging and repairing the school houses in said district.

SECTION 13. That the buildings and lot of ground on the south- **Certain build-** east corner of Walnut and Water streets, heretofore occupied, owned and **ing declared to** used by the Lebanon female seminary, be and the same is hereby de- **be a common** clared to be a common school house, and to be used and taken into **school house.** possession by the school directors of said borough of Lebanon, upon condition that the said board of school directors pay a debt of four hundred and fifty dollars owing by said seminary to the Lebanon academy.

SECTION 14. That if at any time hereafter the present trustees of **Right to re-** the said female seminary shall find it to be to the interest of the cause **sume.** of education, they shall have the right to resume the said property for

the purpose of re-establishing the said female seminary in the said building, but for no other use or purpose whatever, and especially not to be used as a dwelling for the family of the teacher or any other person.

South Lebanon divided into two election districts.

SECTION 15. That for all election purposes hereafter, the township of South Lebanon, in Lebanon county, shall be divided into two districts, in the following manner, viz: by a line beginning at the middle of Market street, at the southern side of Lebanon borough, following the old Lancaster road to the Lebanon and Manheim plank road; thence following the said plank road to the bridge on the southern end of Joseph G. Bowman's land; thence from said bridge in as direct and near a line as possible, to a point midway between the house occupied by David S. Hammond and the big Mine Hill; and from said point in a straight line to the Lancaster county line, at or near the house occupied by Samuel Cox; and the qualified voters residing in the eastern district, shall hold their general and township elections as heretofore, in the borough of Lebanon, and the qualified voters of the western district shall hold their general and township elections at the public house of Isaac Beckley, and that the present election officers of said township shall appoint officers to conduct the election in the additional district hereby created, in the following manner, viz: the judge shall appoint an additional judge, and each inspector an additional inspector, who shall be voters of the district for which they are appointed.

Athens township, Bradford county.

SECTION 16. That the qualified voters of the township of Athens, in the county of Bradford, shall hereafter hold their general, special and township elections at the school house near William Scott's in said township.

Construction of act relative to manufacturing operations.

SECTION 17. That the first section of the act to encourage manufacturing operations in this Commonwealth, approved the seventh day of April, one thousand eight hundred and forty-nine, shall be so altered so far as relates to the counties of Dauphin, York, and Adams, as to permit companies established under the same to issue shares of stock of the value of ten dollars and upwards.

Title to certain lots confirmed.

SECTION 18. That the title of the present owners of three certain lots of ground situate on the west side of Ashton street, between Walnut and Locust streets, in the city of Philadelphia, and lying contiguous to each other, containing in front fifty-seven feet, and in depth one hundred and ten feet, which lots were conveyed by the executors of the will of John J. Borie, deceased, to Oliver Evans and James G. Caldwell, by deed dated the thirtieth day of April, A. D. one thousand eight hundred and thirty-six, recorded in deed book S. H. F. number one, page four hundred and twenty-three, &c., be and the same is hereby confirmed and established, so far as the same might be defeasible by reason of the premises having been at one time held in trust for the New York and Schuylkill coal company.

Baptist meeting house of Mill creek to be sold.

SECTION 19. That James Sloan, Samuel Grove, and John C. Watson, of Huntingdon county, be and they are hereby authorized to sell and convey the Baptist meeting house of Mill Creek, in Huntingdon county, and the proceeds arising from such sale shall be for the use of said Mill Creek Baptist congregation: *Provided*, That said trus-

tees shall give security, to be approved by the orphans' court of Huntingdon county, for the faithful application of the proceeds of said sale.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 258.

AN ACT

To incorporate the Passyunk and Kingessing Plank Road company; to the Waterford and Marion Mills Plank Road company; authorizing the guardian of Mary Jane Swords, of Allegheny county, to sell certain bituminous coal lands; to the sale of a school house in Edinboro', Erie county; to coal dealers in Allegheny county; to the erection of a lock-up house and the collection of taxes in the borough of Manheim, Lancaster county; repealing the act declaring Choke creek a public highway; to the executors of Rudolph Herr, deceased; to the erection of a bridge over Blacklegs creek, in Indiana county; authorizing the Canal Commissioners to lease a certain water power in the borough of Tarentum; relative to a public highway in McKean county; and to the borough of Blairsville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Pearson Sevrill, William G. Alexander, William Craig, Aubrey H. Smith, William Hunter, John Leech, James C. Lafferty, Edward C. Bonsell, Peter B. Holstein, and Isaac Leech, junior, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of "The Passyunk and Kingessing Plank Road company," with power to construct a plank road from the intersection of Broad street and the Passyunk and State Island road, in the county of Philadelphia, upon and along the said Passyunk and State Island road to Penrose's Ferry, on the river Schuylkill, and from the Westerly side of the said river at the said ferry, upon and along the public road from thence to Boon's dam, on the Lazaretto road, and upon and along the said dam and the said Lazaretto road to the great southern post road at the Blue Bell, in the county of Philadelphia, with all the authorities, and subject to all the provisions and restrictions of the act regulating turnpike and plank road companies, passed the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the supplement thereto.

SECTION 2. That the capital stock of said company shall consist of one thousand shares, at twenty-five dollars each, with power, however,

to the said company, by a vote of the stockholders had at a meeting called for the purpose, from time to time to increase their capital stock to carry out the true intent and meaning of this act.

To erect gates
and to take
tolls.

SECTION 3. That it shall be lawful for said company to erect and set up a gate or gates, and to levy and collect tolls from persons travelling along or otherwise using the said road, at the rates prescribed in the act regulating turnpike and plank road companies, already referred to, and without further license, as soon as they shall have completed their said road.

When to be
commenced and
completed.

SECTION 4. That should said company fail to commence the road within two years and complete the same within the next four years after the passage of this act, the provisions herein contained shall be null and void, except so far as the same may be necessary to settle up the affairs and pay the debts of said company.

Power to extend
road.

SECTION 5. That the Waterford and Marion Mills Plank Road company, are hereby authorized to extend their road from its present terminus to the located line of the Sunbury and Erie railroad, at or near Samuel G. Brotherton's mills.

Guardian of Ma-
ry Jane Swords,
authorized to
sell coal in
mines.

SECTION 6. That the guardian duly appointed by the orphans' court of Allegheny county, of Mary Jane Swords, of Shaler township, in the said county of Allegheny, a minor child of Thomas Swords, junior, deceased, is hereby authorized and empowered to grant, bargain, sell, and convey, at public sale, all or any part of the bituminous coal underlaying a tract of land belonging to the said minor, in the township and county aforesaid, together with all necessary privileges for removing the same; the said coal to be sold in fee or for any less estate, either by the acre or by the bushel, as taken from the mines, as the said guardian may think most for the advantage of his said ward, and the conveyance by the said guardian to the purchaser or purchasers thereof, shall invest him or them with a complete and perfect title to the said coal, according to the terms thereof, as effectual, to all intents and purposes, as if made by the said Mary Jane Swords, after she had attained her full age of twenty-one years: *Provided always*, That the said guardian shall report the said sale to the orphan's court of the said county, and obtain their approval of the same before executing any deed or conveyance therefor, and shall give bond with sufficient sureties, in such sum as the said court may direct, for the faithful appropriation of the proceeds of said sale to the use and benefit of his said ward, said bond and sureties to be also approved by the said court.

Proviso.

School directors
of Edinboro, E-
rie county, auth-
orized to sell
schoolhouse and
erect others.

SECTION 7. That the school directors of the borough of Edinboro', in the township of Washington, and county of Erie, are hereby authorized to sell their present school-house or houses and site or sites, and purchase other site or sites, and erect other building or buildings, for the purpose of their school or schools, and they are hereby authorized to levy such additional tax upon their district as may be necessary for the purpose, and to accept such donations for the purpose as may be made by any individual or individuals for the purposes aforesaid.

Coal haulers,
Allegheny coun-
ty, to weigh and
brand carts.

SECTION 8. That from and after the passage of this act, any coal dealer or hauler in Allegheny county, who has had his wagon or cart weighed or branded according to the provisions of the ordinance of the councils of the city of Pittsburg of eighth March, one thousand eight hundred and fifty-two, in pursuance of an act of Assembly of twelfth April, one thousand eight hundred and fifty-one, shall not be compelled to have his or their wagon or cart measured in pursuance of the provisions of the act of twenty-third March, one thousand eight hundred and forty-nine, but said branding and weighing shall be deemed sufficient for all purposes.

SECTION 9. That it shall be lawful for the burgess and town council of the borough of Manheim, in the county of Lancaster, and they are hereby authorized and empowered to have built, or otherwise provided and supported within the bounds of said borough, at the expense thereof, a suitable building for the security and temporary detention and confinement of any person or persons committed by any justice of the peace, or any constable, or the burgess of said borough, or member of the town council acting in his place, for any violation of the laws of this Commonwealth, or of the ordinances of the borough aforesaid, for which such person or persons could lawfully be committed, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or until discharged according to law: *Provided*, That no person or persons shall be confined in said lock-up house at any one time for a longer period than forty-eight hours, except such person or persons be charged with an indictable offence, or until discharged by law, or removed to the common jail of the aforesaid county.

Burgess and Town Council, of Manheim, Lancaster county, authorized to build a lock-up.

Proviso.

SECTION 10. That the expenses of committing and keeping any person or persons in said building on a charge of any indictable offence, shall be paid by the said county of Lancaster, on the presentation of proper accounts of the same to the commissioners of said county.

Expenses of committing offenders, how to be paid.

SECTION 11. That the burgess and town council of said borough are hereby authorized and empowered to levy and collect annually such taxes as may be necessary to carry into effect the ordinances, rules and regulations of said borough, and that the collector or collectors of taxes in said borough, shall have the same powers and authority, and are hereby authorized to adopt the same remedies to enforce the payment of borough taxes in said borough, as are provided by law for the collection of county and township rates and levies.

Authority to levy and collect taxes.

SECTION 12. That the assessor of the township of Rapho, in the county of Lancaster, shall, when required by the burgess or any member of the town council, aforesaid, furnish gratuitously a copy of the last adjusted valuation of things made taxable for county purposes in said borough.

Assessor to furnish valuation of taxable property.

SECTION 13. That from and after the passage of this act the ninth section of an act entitled "An Act to change the manner of appointing road and bridge viewers, and of assessing damages sustained by owners of lands in the county of Lawrence; relative to roads in Mifflin county, to a school district in Allegheny county; to validate a sale of a lot of land in the borough of Erie; and declaring Choke creek in Luzerne county a public highway; approved the first day of May, A. D. one thousand eight hundred and fifty-two, be and the same is hereby repealed.

Repeal of 9th section of an act of 1852.

SECTION 14. That immediately upon the passage of this act, the executors of Rudolph Herr, late of Lebanon county, deceased, are authorized and directed, and it is hereby made the duty of the said executors, to pay over unto the trustees of the United Brethren worshipping in the meeting house situate in the town of Annville, in the county of Lebanon, the sum of eight hundred dollars, bequeathed by their said testator, the said sum of money to be applied or expended in such manner in and about the said meeting house, or for the use of the congregation worshipping therein, as the members thereof may judge necessary and expedient.

Executors of R. Herr to pay to United Brethren of Annville, \$800 for use of congregation.

SECTION 15. That the bridge, as authorized by the act of April one thousand eight hundred and fifty, over the Blacklegs creek, in Cone-

ana county.

Where to be erected.

maugh township, Indiana county, shall be erected at the most suitable place between the places where the roads leading from Saltsburg to Clarksburg and Warren, crosses said creek, to be designated by three competent and disinterested persons, to be appointed by the court of common pleas of Indiana county, who shall receive the per diem allowance of one dollar per day, and that the supervisors of said Cone-maugh township are hereby authorized to levy and collect the one-fourth part of the road taxes in money, assessed for the year one thousand eight hundred and fifty-three, to be applied to the building of said bridge.

Canal Commissioners authorized to lease a water-power in Tarentum.

SECTION 16. That after the passage of this act it shall be lawful for the Canal Commissioners, and they are hereby authorized and empowered, to let or lease the water power connected with the locks in the borough of Tarentum, or confirm any lease they may have heretofore made.

County Commissioners, M^o-Kean county, to repair certain roads.

SECTION 17. That the county commissioners of the county of McKean, are hereby authorized to appropriate any sum of money not exceeding one thousand dollars, of the funds of said county, to the making and repairing of the public highways on Portage Branch of the Allegheny river, between Port Allegheny and the Potter county line, said money to be laid out under the direction of said commissioners, upon the road mentioned.

Sequestrators of Huntingdon, Cambria, and Indiana turnpike road, authorized to surrender road to authorities of Blairsville.

SECTION 18. That the sequestrator of the Huntingdon, Cambria and Indiana turnpike road company, is hereby authorized to make an agreement in writing with the corporate authorities of the borough of Blairsville, by which the control of so much of said road as lies within the limits of said borough shall be surrendered by the said company, as fully as by law they were entitled to the same, to the said borough, on such terms as will forever thereafter relieve the said turnpike road company, their officers and agents, or the sequestrators thereof, from all liability for the condition of the same: *Provided*, That the said agreement shall be first exhibited to and approved by the court of quarter sessions of Indiana county, and by the said court ordered to be filed of record.

Proviso.

Borough of Blairsville, powers extended.

SECTION. 19. That it shall be lawful for the said court of quarter sessions, upon application made, to extend the provisions of the act of third April, one thousand eight hundred and fifty-one, entitled "An Act regulating boroughs," to the said borough of Blairsville: *Provided*, That section twenty-four, and so much of section twenty-six, pamphlet laws, three hundred and twenty-two, as limits taxation for borough purposes to one half of one per centum, and limits the authority to borrow money to one per centum of the assessed value of taxable property, shall not be in force in said borough after such action of said court: *And provided further*, That the second proviso of the ninth section of the act entitled "An Act to incorporate the town of Blairsville, in the county of Indiana," passed the twenty-fifth day of March, one thousand eight hundred and twenty-five, shall be as to said borough unrevoked and in full force, after the action of the court as aforesaid.

Proviso.

Proviso.

Authority to borrow money.

SECTION 20. That the corporate authorities of the borough of Blairsville be and they are hereby authorized to borrow a sum or sums of money, on the credit of the borough, and issue scrip therefor, not exceeding in the aggregate ten thousand dollars, for the purpose of effecting such improvements as may be deemed proper and necessary

in said borough: *Provided*, The scrip hereby authorized to be issued *Proviso*. shall not be in sums less than one hundred dollars.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 259.

AN ACT

In relation to the "Independent Anti Sectarian House of Worship" of Newtown, Bucks county; incorporating the Hilltown and Sellersville Turnpike Road company; authorizing the school directors of Richland and Haycock school districts, in Richland and Haycock townships, Bucks county, to sell a certain school house and lot of ground; to the sale of a school house in Shiremanstown, Cumberland county; repealing the eleventh section of the act of the thirteenth April, one thousand eight hundred and thirty-eight, in reference to the construction of water works by the authorities of the borough of Erie; to appoint Wood Inspectors in the borough of Jersey Shore, in Lycoming county; authorizing the school directors of Union township, Centre county, to build a new school house.

WHEREAS, by an act of the Legislature of Pennsylvania, entitled *Preamble*. "An Act to authorize William Linn, trustee, &c., and for other purposes," passed the twenty-fifth day of March, one thousand eight hundred and forty-two, authority was given to John Bond, Amos Wilkinson, Samuel Philips, and Thomas Gorlin, remaining trustees for an association of sundry inhabitants of Newtown and its vicinity, in Bucks county, for the purpose of erecting an independent anti-sectarian house of worship, to convey the said trust to the burgess and town council of the borough of Newtown:

And Whereas, The said trustees did convey the same to the said *Preamble*. burgess and town council, by indenture bearing date the eighteenth day of October, one thousand eight hundred and forty-two:

And Whereas, the said burgess and town council are now desirous *Preamble*. that the said trust reposed in them shall again revert to the original trustees; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the burgess and town council of the borough of Newtown, Bucks county, be and they are hereby authorized and empowered to re-convey *Burgess and town council of Newton, empowered to re-convey a trust.* said trust to John Bond, Amos Wilkinson, Samuel Philips, and Thomas Gorlin, the remaining trustees, for an association of sundry inhabitants of Newtown and its vicinity, in Bucks county, for the purpose of erecting an independent anti-sectarian house of worship.

Power to elect trustees.

SECTION 2. That the members of said association, in addition to the power conveyed in said deed of trust to fill vacancies made in the number of said trustees by death, resignation, removal, or otherwise, shall have full power to elect by ballot, every two years, the number of trustees required in the original deed of trust, on such day of the year as a majority of said trustees shall have agreed upon by rule or by-law, and that all such persons as may hereafter contribute money for the improvement of said house of worship, or free burial ground, shall be entitled to all the privileges conferred by said deed of trust, upon the original members of said association.

Powers of trustees.

SECTION 3. That the said trustees, their successors and associates, as shall from time to time be selected by a majority of the efficient members of said association, in addition to the purposes named in said deed of trust, shall have and exercise the full power to open said house for the meetings of moral or scientific associations, and for lectures on moral or scientific subjects, and for other purposes: *Provided always*, That no use of said house shall at all prevent or interfere with the intent and meaning of the association in keeping up an independent anti-sectarian house of worship.

Proviso.

Commissioners of Hilltown and Sellersville turnpike road.

SECTION 4. That Henry Troxel, Abraham Cressman, Barnet Headman, Noah Wambold, Amos Jacoby, George Diehl, Michael Headman, Samuel Carey, Henry Kemmerer, John B. Missimer, Henry Ochs, Thomas Strawer, Frederick Wolfe, David Johnson, Charles Foulke, R. Y. Strassburger, Josiah W. Leidy, Abraham Reiff, Elias Hartzell, Tobias Fluck, Peter D. Bloom, William Snyder, Tobias Cope, Michael Snyder, Edward Artman, Charles Dabbs, Reiler Himmelright, George Steinman, Samuel B. Stout, Peter Shelley, John G. Brunner, John Fluck, Jesse Roberts, John Kinsey, Abraham Cope, Samuel C. Bradshaw, Charles Z. Nace, Joshua Foulke, Charles Leidy, senior, Charles W. Everhart, Henry K. Nace, Samuel B. Cressman, Daniel S. Heist, Joseph Schleifer, Isaac Huntzberger, John N. Shelly, and Isaac Stout, of Bucks county, Samuel Detwiler, Jacob Sloop, Isaac Rosenberger, senior, Charles White, Thomas Sellers, Mathias Young, William H. Ball, Charles Slifer, David Blyler, Jacob W. Haines, N. K. Shoemaker, Enos L. Reiff, William Hershey, John D. Morris, Jacob Trewig, of Montgomery county, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions to stock, and organize a company by the name, style and title of "The Hilltown and Sellersville Turnpike Road company," with power to locate and construct a turnpike road commencing at the Spring House, Northampton Town and Bethlehem turnpike road, at or near the county line between the counties of Bucks and Montgomery, in the township of Hilltown, and extending thence to the south end of the bridge at Sellersville, in said county of Bucks, subject to all the provisions and restrictions of an act regulating turnpike and plank roads, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, except that the said turnpike road company shall not be subject to that part of the said act regulating tolls, but they are hereby authorized to charge and receive the same rates of tolls as are allowed to be charged by the act incorporating the said Spring House, Northampton Town and Bethlehem turnpike road company, and the several supplements thereto: *And provided further*, That when the said company shall have made and completed their said road between the two points mentioned in this act, they shall have power to collect and receive toll on the same, notwithstanding the distance may be less than five miles.

Name and style.

Location of road.

Rates of tolls.

Proviso.

SECTION 5. That the capital stock of said company shall consist of Capital stock. two hundred and eighty shares, at twenty-five dollars each: *Provided*, That said company may, by a vote of the stockholders, called for that purpose, increase their capital so much as in their judgment may be necessary to carry out the true intent and meaning of this act.

SECTION 6. That if the said company shall not commence the construction of their road within three years after the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of the company. When to be commenced and completed.

SECTION 7. That the school directors of Richland and Haycock School districts, Richland and Haycock townships, Bucks county, are hereby authorized and empowered to sell and convey for the benefit of said school district, all such school houses and lots of land thereunto belonging, in said township, as are no longer available for school purposes: *Provided*, That nothing contained in this act shall be construed as to authorize the sale of any property under the charge of any religious society, or any in which a right of individual property at this time exists. Richland and Haycock school districts, Bucks county, authorized to sell real estate.

SECTION 8. That Matthias Bitner, Henry G. Mosser, and W. D. Shoop, be and they are hereby authorized to sell and convey at public sale, the school house and lot of ground thereunto belonging, with the appurtenances, situate in Shiremanstown, Lower Allen township, in the county of Cumberland, and held by trustees for the use and benefit of the citizens of the town and its neighborhood for a school-room, town meetings, and religious purposes, and that they be further authorized to make settlement with Henry Rupp, Daniel Shelly, and Michael P. Dill, the present trustees, and collect outstanding claims, pay the debts, (if any,) and the balances arising from the sale and the dues owing, be appropriated towards the building of a new school house for the use of the town. Trustees of school house and lot in Shiremanstown, authorized to sell old school house and build a new one.

SECTION 9. That the limitation in the eleventh section of an act entitled "An Act empowering the burgess and town council of the borough of Erie, in the county of Erie, to borrow money, and to supply the said borough with water, and for other purposes," passed the thirteenth of April, one thousand eight hundred and thirty-eight, shall not be construed to apply to the first four sections of this act. Provisions of 11th section of an act of April 13th, 1853, not to apply to first four sections of this act.

SECTION 10. That it shall and may be lawful for the burgess and town council of the borough of Jersey Shore, in the county of Lycoming, to appoint two competent persons to be Inspectors of Wood in said borough, who shall continue in office for the term of one year from and after the term of their appointment, or until others are appointed, and the said inspectors shall, before they enter upon the duties of their appointment, take and subscribe an oath or affirmation before some judge or justice of the peace of said county of Lycoming, faithfully to perform the duties of Inspectors of Wood according to law, and to the best of their knowledge; a certificate of said oath or affirmation shall be filed with the burgess of said borough, and it shall be the duty of the said inspectors, when required to do so by any person or persons interested, to measure all wood and give to the seller of the same a certificate showing the quantity of solid feet in any load or pile of wood by them inspected. Wood Inspector, or, Jersey Shore, Lycoming, county, appointment authorized. Oath required. Duties.

SECTION 11. That the inspector or inspectors appointed as aforesaid, may receive for inspecting and measuring wood such sum or sums as may be established by the said burgess and town council, the buyer paying for inspecting. Fees, how regulated.

School directors of Union township, in Centre county, authorized to build new school house. SECTION 12. That after the passage of this act the school directors of Union township, in Centre county, shall have power to build a new school house on the lot of of ground known as the meeting house lot, where the old school house now stands.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 260.

A N A C T

To incorporate the Shippensburg and Spring Run Turnpike or Plank Road company; relative to Allegheny Valley Railroad; to vacating old Harrison street, in the district of Kensington; and to recurbing and repaving in said district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners. Samuel C. Filson, William W. Skinner, William McLean, John Wynkoop, Miron R. Skinner, John Gish, William A. Mackey, Samuel Kunkel, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name, style and title of "The Shippensburg and Spring Run Turnpike or Plank Road company," with power to construct a Name and Style. turnpike or plank road from the borough of Shippensburg, in the county of Cumberland, to Spring Run, in Fannet township, Franklin Location. county, by the nearest and best route, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto.

Capital stock. SECTION 2. That the capital stock of said company shall consist of five hundred shares, at twenty dollars each: *Provided,* That the said Proviso. company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital so much as in their opinion may be necessary to complete the road and carry out the true intent and meaning of this act.

Where may erect gates and take toll. SECTION 3. That whenever the said company shall have finished two miles or more of said road, they shall have power to erect gates and receive tolls, agreeably to the conditions and restriction of the twelfth and thirteenth sections of an act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

Allegheny valley railroad, authorized to construct branches of their road in the counties of SECTION 4. That the Allegheny Valley Railroad company are hereby

Clarion, Jefferson, Elk, Forest, McKean, and Potter, or either of them, if the said company may deem the same necessary for the development of the minerals of said counties, or either of them: *And further*, They are authorized to connect the main line of road or branches at the State line with any railways or canal improvements authorized by the laws of the State of New York: *Provided always*, That the connection hereby authorized, shall be made in the counties of McKean and Potter: *Provided*, That said company shall not interfere with the location of the Lafayette railroad, in McKean county.

SECTION 5. That old Harrison street, between Front street and Howard street, in the district of Kensington, county of Philadelphia, be and the same is hereby vacated, and the title to the soil over which said street passes, is hereby vested in the owners of the ground holding the legal title to the same: *Provided*, That said vacation be first approved by the board of commissioners of said district.

SECTION 6. That the first section of an act entitled "A further supplement to the act entitled 'An Act to incorporate the Kensington district of the Northern Liberties,'" passed the twentieth day of March, A. D. one thousand eight hundred and thirty, shall be so construed as to extend to any work done or materials furnished for, or in the recurring or repaving the footways of any street, road or alley, in front of any real estate in said district of Kensington.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 261.

AN ACT

To incorporate the Beallsville and Waynesburg Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That J. G. Hart, John Clemens, William S. Mellinger, Shesh Bentley, sen., Alexander Wilson, Richard Richardson and Solomon Wise, of Washington county, and Jesse Hook, Jesse Lazear, Daniel Boner, L. D. Ingram, T. P. Pollock, Amos Walton, Levi H. Bell, Samuel Colver, John Bell, sen., and Joseph S. Smith, of Greene county, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name, style and title of "The Beallsville and Waynesburg Railroad company," with all the powers, and subject to all the provisions and restrictions prescribed by

an act entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine.

Capital stock.
Proviso.

SECTION 2. That the capital stock of said company shall consist of five thousand shares, of one hundred dollars each : *Provided*, That the said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the said road and carry out the true intent and meaning of this act.

Location of
road.

SECTION 3. That the said company shall have the right to build or construct a railroad from Waynesburg, Greene county, thence by way of Beallsville, Washington county, by such practicable route and moderate grades as will, in the opinion of the president and directors of said company, be most conducive to the public interest, and to connect the said road with the Hempfield railroad, at the most practicable point west of Monongahela city, Washington county.

To connect with
Hempfield rail-
road.

When road may
be opened.

SECTION 4. That whenever any section of three miles of said road shall be completed, the said company may use, employ and enjoy the same, in the same manner as when the entire length thereof shall be constructed.

Commencement
and completion
of road.

SECTION 5. That if said company shall not commence the construction of said road within five years from the passage of this act, and complete the same within twelve years thereafter, this act shall be null and void, except so far as it may be necessary to wind up the affairs of said company and pay the debts of the same.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 262.

AN ACT

To incorporate the York Cemetery company, in the county of York; relative to the borough of Providence, Luzerne county; to the destruction of woodcock in Cumberland county; to the Washington Guards, of Cambria county; to a State road in Allegheny and Butler counties; and to an election district in the county of York; extending the law authorizing the incorporation of building associations to Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Alexander Small, John G. Campbell, Daniel Hartman, Charles Weiser, Wm. S. Roland, Thomas P. Potts, Peter McIntyre, John Evans, Geo. S. Morris, Daniel Loucks, T. N. Haller, V. K. Keesey, D. F. Wil-

Managers.

Hiams, T. E. Cochran, and John Hiestand, together with such other persons as may become purchasers of lots for burial purposes within the tract of land to be set apart for cemetery purposes, be and are hereby made a body politic and corporate in law, under the name, style and title of "The York Cemetery company," and by that name shall be able and capable in law to use a common seal, to sue and be sued, to implead and be impleaded, and shall have perpetual succession, and may do all such things as are incident to a corporation.

Name and
Style.
Powers.

SECTION 2. That the affairs of the said company shall be conducted by a board of nine managers, to be elected annually by the lot-holders, on the first Monday in March, and in such elections each person shall be entitled to one vote for every lot he or she may own not exceeding four, and one vote for every four lots beyond four; the managers shall have power to purchase and hold any tract or tracts of land within the county of York not exceeding in the whole one hundred acres, for the purpose of a cemetery, and to lay out and ornament the said lands, (or so much as shall be appropriated to cemetery purposes,) arrange and sell burial lots, and make such by-laws and regulations as they may deem necessary and proper for the protection of the cemetery and the management of the business of the company: *Provided*, That the persons named in the first section of this act shall be the managers until others shall be elected; five of the managers shall form a quorum.

Affairs of com-
pany, how to be
conducted.

Proviso.

SECTION 3. That no street, road or lane shall be laid out or opened through the said tract of land occupied as a cemetery, without the consent of the managers, and the grounds of said cemetery company shall be exempted from taxation, and the lots in the said cemetery shall not be subject to attachment or execution for the debts or liabilities of the respective owners.

Road through
and tax on cem-
etery, prohibi-
ted.

SECTION 4. That all laws of this Commonwealth now in existence protecting the grounds of any cemetery from trespass, or the tomb-stones or monuments, railing or fences, from injury, shall be and the same are hereby extended to this cemetery company.

Grounds, &c.,
protected from
injury.

SECTION 5. That so much of the fourth division of the third section of an act approved April third, eighteen hundred and fifty one, entitled "An Act regulating boroughs," requiring the corporate officers of boroughs to publish enactments, regulations, ordinances, or other general laws ordered or passed by the burgess and town council, in one newspaper, &c., at least ten days before the same takes effect, is hereby repealed so far as the same relates to the borough of Providence, Luzerne county.

Part of an act
relating to bor-
oughs, not to
apply to Provi-
dence, Luzerne
county.

SECTION 6. That from the first day of January till the first day of July, in each year hereafter, it shall be unlawful for any person to shoot, kill or destroy any woodcock in Cumberland county, under the penalty of five dollars for each and every offence, and so much of the act entitled "An Act to prevent the destruction of trout in Letart Spring, and the preservation of the same in the county of Cumberland, et cetera," passed the sixteenth June, one thousand eight hundred and forty-seven, as conflicts with the provisions of this act, be and the same is hereby repealed.

Woodcock in
Cumberland
county; fine for
killing out of
season.

SECTION 7. That the several sections relating to Mutual Savings Fund, Land and Building associations, contained in the act passed April the twenty-second, one thousand eight hundred and fifty, entitled "A supplement to an act entitled 'An Act to prevent waste in certain cases, within this Commonwealth,'" passed the twenty-ninth day of March, one thousand eight hundred and twenty-two; 'to land and building associations; giving the court of Susquehanna county jurisdiction

Provisions of act
relating to Sav-
ings Fund, Land
and Building as-
sociations, ex-
tended to Alle-
gheny county.

in a certain case; relative to the service of process in certain cases; to party walls in Philadelphia; to the proof of a certain will; to the sale and purchase of certain burial grounds in Philadelphia; to the laying of gas pipes in the district of Moyamensing; to the relief of certain sureties in Erie county; to the State Lunatic Hospital; relative to the service of process against sheriffs; to the rights of married women; to ground rents; and relating to foreign insurance companies;" and the supplements thereto, be and the same are hereby extended to Allegheny county.

Name of Wash-
ington Guards
changed.
Proviso.

SECTION 8. That from and after the passage of this act, the "Washington Guards," a volunteer infantry company in Cambria county, shall be hereafter called the "Washington Rifles": *Provided*, That all acts done under the former name of the Washington Guards, shall not be effected in any manner by this act, and the said corps shall enjoy all the advantages in point of date or age as if this act had not been passed.

Commissioners
to lay out a
State road.

SECTION 9. That E. Menhoff, William Purviance, of Butler county, and James A. Gibson, of Allegheny county, be and they are hereby appointed commissioners to review and lay out so much of that part of a State road running from the Great Western iron works, as lies between the road leading from the Glade Mill to Freeport, at Niblock's meeting house, to the house of Alexander Caslie, junior, on the Bakers-town road, on the nearest and most practicable route.

Canoe township
York county;
place of holding
elections
changed.

SECTION 10. That the qualified voters of the township of Canoe, in the county of York, shall hereafter hold their township and general elections at the house now occupied by Doyle P. Hazleton, and owned by Henry Sidle, in the borough of Dillsburg, in said township.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fourteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 263.

AN ACT

To empower the city authorities of Reading to widen certain streets; supplementary to an act entitled "An Act authorizing the Governor to incorporate the Reading Water company," approved March sixteenth, eighteen hundred and nineteen; and supplementary to the poor laws of the city and districts of Philadelphia.

Third street,
Reading, part

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the mayor, alderman and citizens of Reading are hereby authorized and required to widen that part of Third street extending from Penn street*

to Franklin street, in said city of Reading, so that the same shall have of to be
a uniform width of sixty feet, and the said mayor, aldermen and citizens widened.
of Reading are authorized and empowered to take down, remove and
clear away all buildings, walls, fences and erections and obstructions of
any description whatever, now being in that part of said street men-
tioned within the lines or limits of said width of sixty feet.

SECTION 2. That the said city authorities are further authorized and Fifth street,
required to widen that part of the extension of Fifth street north of Reading, part
Walnut street, between Walnut street and first Hockley lane, in the said of to be
city of Reading, or so much thereof as they may deem proper, and re- widened.
move all obstructions therefrom, so that the same shall have a width of
eighty feet, uniform with said Fifth street: *Provided nevertheless*, That Proviso.
the said city authorities shall forthwith, before widening the said street
or streets as aforesaid, proceed in the manner prescribed by the existing
laws in the case of road damages in said county, and pursuant thereto
to have ascertained and assessed all damages, if any, that may arise
therefrom to private property, and upon the confirmation of the report
of the viewers of damages, if, in the opinion of the said city authori-
ties the amount of damages arising from the widening of said street
or streets shall be so small as to justify the expense of widening the
same, they shall so decide and widen the said street or streets, or either
of them, otherwise not: *Provided further*, That said damages, if any, Proviso.
shall be paid out of the treasury of the city of Reading.

SECTION 3. That said Third street, and said Fifth street, on being
so widened as required by this act, shall be deemed and taken to be
public highways, of a uniform width of sixty feet and of eighty feet
respectively.

SECTION 4. That the Reading water company shall have power and Reading water
are hereby authorized from time to time hereafter, as they shall deem company, auth-
necessary, permanently to appropriate to their use such spring or orized to appro-
springs, stream or streams of water, as they may select for the purpose priate springs,
of bringing into the city of Reading an additional supply of water, and &c.
any damage sustained by the owners of land upon which such spring Compensation
or springs, stream or streams of water is or are situated, or through to be made for
which it or they shall flow, by reason of the permanent appropriation damages.
as aforesaid, shall be ascertained, and compensation made in the manner
hereinafter provided for: *Provided*, That in case said company have Proviso.
already permanently appropriated to their use any spring or springs,
stream or streams of water, as aforesaid, the injury committed or damage
done shall be considered as falling under the provisions of this act.

SECTION 5. That from and after the passage of this act, in lieu of Damages how to
the remedy or remedies provided by the seventh section of the act to be ascertained
which this is a supplement, or by action of trespass, or on the case at and settled.
common law, for damages or injuries done or committed by said com-
pany by the permanent appropriation of springs or streams of water,
or the construction of other works by said company; in case the par-
ties cannot agree upon the compensation to be made for damage or
injury done or committed as aforesaid, it shall and may be lawful for
either of the parties, after giving at least twenty days notice, in writing,
to the opposite party, to apply by petition to the court of common
pleas of Berks county, and said court shall thereupon appoint a jury
of six disinterested men, whose duty it shall be to ascertain and report,
under oath or affirmation, to the court, what damages, if any, have
been sustained by the owner or owners by reason of the permanent
appropriation of springs or streams of water, or the construction of
other works by said company, as aforesaid, which report being con-
firmed by the court, judgment shall be entered thereon, and execution

may issue in case of non-payment for the sum awarded, with reasonable costs, to be assessed by the court; and it shall also be the duty of the jury in ascertaining the damage done, as aforesaid, to take into consideration the advantages derived, or likely to be derived, by the owner or owners of the premises from the vicinity of said works to the same: *Provided*, That the jurors aforesaid, shall receive the same pay and mileage as are now allowed by law to jurors summoned to attend the court of common pleas of Berks county: *And provided further*, That the jury in making up their report, shall take into consideration not only injuries already done, or damages already suffered, but also the injury likely to be done, or the damages likely to be suffered in future, from said permanent appropriation of springs or streams of water, or the works of the company, as aforesaid, or by the keeping up, continuance, and necessary repairs of the same, and the payment of the sum of money finally assessed and reported by the jury, as aforesaid, shall be a bar, and may be so pleaded to any action at law or any other proceeding whatever, in equity or otherwise, brought or instituted thereafter to recover damages for the said injuries caused by the said permanent appropriation of springs or streams of water, or other works, as aforesaid: *And provided also*, That either party shall have the right to appeal from the award of the jury, as aforesaid, to the court of common pleas of Berks county, in the same manner, and upon the same terms, and subject to the same conditions, as in cases of appeals from the award of arbitrators under the compulsory arbitration law of the Commonwealth of Pennsylvania.

SECTION 6. That all proceedings under the section of this act for the recovery of damages for the injuries committed by the said company before the passage of this act, shall be commenced within six years next after the passage of this act, and not after, and for all injuries committed by said company after the passage of this act, proceedings as aforesaid shall be commenced within six years next after the injury or injuries shall have been committed, and not after.

SECTION 7. That all the provisions of the former act and its supplements, which are inconsistent with the provisions of this supplement, or which are herein altered or supplied, are hereby repealed and made null and void.

SECTION 8. That so much of the sixth section of the act of the thirty-first of March, one thousand eight hundred twelve, entitled "A further supplement to the act entitled 'An Act for the consolidation and amendment of the laws as far as they respect the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties,'" as requires the warrant therein provided for to issue before two aldermen or justices of the peace be and the same is hereby repealed, and any one alderman or justice of the peace is hereby authorized and empowered to issue the said warrant; and that all further proceedings under the said section of the said act, and under the further supplement passed the fourteenth day of March, one thousand eight hundred and fourteen, may be as fully and effectually had before one judge of the court of common pleas holding a court of quarter sessions for the county of Philadelphia, as they are now had before two judges of the said court.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 264.

AN ACT

Relative to the estate of David Lapsley, deceased; and to the estate of Elizabeth M'Farren; and the New Hope, Doylestown and Norristown Railroad company.

WHEREAS, David Lapsley, late of the city of Philadelphia, deceased, Preamble. in and by his last will and testament, duly proved and recorded in the office for the probate of wills at said Philadelphia, of the several bequests therein contained, devises as follows, viz: "Item, I do give and devise to my sons Joseph B. Lapsley and David Lapsley, junior, their heirs, executors, administrators and assigns, all that brick messuage, tenement or lot of ground, situate on the west side of Delaware Second street, (No. 18,) between High and Chestnut streets, in the said city, containing in front or breadth about thirteen feet six inches, and in depth one hundred and thirty-two feet, to Strawberry street, on which last mentioned street a tenement is erected, (estimated at the price at which the same may be appraised and valued as aforesaid,) together with the appurtenances, and also so much money as, when added to the valuation of the messuage and lot last mentioned, will be equal to the one-fifth part of all my clear estate, real and personal, to hold and take the same, to them, my said sons, Joseph B. Lapsley and David Lapsley, junior, their heirs, executors, administrators and assigns, in trust, nevertheless to let and demise the same messuage and lot, and to invest the said moneys last aforesaid in the six per cent. stocks of the United States, or to loan the same at interest or mortgage of real estate, at their discretion, and to recover and receive rents, issues, interests and profits thereof, and to pay over the same from time to time to my daughter Sarah Campbell, (the wife of Quintin Campbell,) or to such person or persons as she, by writing under her own hand, shall authorize and appoint to receive the same, for her own separate use and support during her natural life, and for which her own receipts in her name and under her own hand, or the receipts of any person or persons whom she may appoint to receive the same as aforesaid, notwithstanding any coverture, or whether she be covert or sole, shall be deemed valid in the law, and so that the same and every part thereof shall not be in the power or subject to the debts, control or engagements of any husband, and at and immediately after the decease of my said daughter Sarah, then in trust to and for the only proper use and behoof of all and every the children of the said Sarah, her surviving his, her or their heirs, executors, administrators and assigns, forever, if more than one, as tenants in common, and not as joint tenants, and if either or any of the children of the said Sarah shall be then deceased, leaving issue, such issue, his, her or their heirs, executors, administrators and assigns, shall have and take such part, share and portion thereof, as his, her, or their deceased parent or parents would have been entitled to had such parent or parents then been living.

And Whereas, It is for the interest and is the desire of all parties Preamble. concerned, that the said premises should be sold, and there is no power of sale given to the said Mrs. Sarah Campbell, or to her said trustees, of that portion so devised to her as aforesaid; Therefore,

Trustees of
Mrs. Sarah
Campbell, auth-
orized to sell
real estate.

Proviso.

Preamble.

Preamble.

Preamble.

Trustees of Eli-
zabeth McFar-
ren, authorized
to borrow money
on mortgage of
property.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Joseph B. Lapsley and David Lapsley, junior, trustees aforesaid, of the said Mrs. Sarah Campbell, and the survivor of them, be and they are hereby authorized, with the assent of the said Mrs. Sarah Campbell, to sell, in such manner as they or he may deem best, all or any part of the said estate of the said David Lapsley, deceased, so devised to them in trust for Mrs. Sarah Campbell, as aforesaid, and to execute, acknowledge and deliver a good and sufficient deed or deeds therefor to the purchaser or purchasers, in fee simple, altogether discharged from the said trust, and from any obligation on the part of the said purchaser or purchasers to see to the application of the purchase money: *Provided however,* That before the said Joseph B. Lapsley and David Lapsley, junior, or the survivor, shall execute any such deed, they or he shall give security in the court of common pleas of the county of Philadelphia, to be approved by the said court, conditioned for the investment of the proceeds of the said sale or sales, in such manner as said court shall direct, on the same trust as is set forth in the said last will and testament.

WHEREAS, James Sullivan Smith, of the city of Philadelphia, merchant, and Rebecca Ann his wife, by indenture dated the eleventh day of July, Anno Domini one thousand eight hundred and forty-nine, recorded in the proper office at Philadelphia, in deed book G. W. C. No. eighteen, (18,) page two hundred and two, (202,) granted and conveyed unto Robert Allen, of the district of Southwark, in the county of Philadelphia, distiller, his heirs and assigns, all that lot or piece of ground with the messuage thereon erected, in the said indenture, and also hereafter in this act, particularly described, under and subject to the payment of a yearly ground-rent of fifteen dollars, in trust, nevertheless, for the uses and purposes mentioned and set forth in the said indentures:

And Whereas, The house erected on the above described lot of ground, as well as the stock of goods belonging to Patrick McFarren, the husband of the said Elizabeth McFarren, were destroyed by fire, and the said Robert Allen has loaned and furnished to the said Elizabeth McFarren the sum of six hundred and ninety-six dollars and sixty-five cents, to enable her to build another house on the said lot, and to furnish her and her said husband with the means of resuming their business, under a promise from the said Elizabeth that he should be made secure for his said loan, with interest and all expenses and charges, and be re-imbursed the full amount thereof out of the said house and lot:

And Whereas, It is also just and equitable that the said Robert Allen should be so re-imbursed the same, but inasmuch as the said indenture or deed of trust does not contain any power or authority for mortgaging or otherwise charging the said lot of ground and premises, and as there is no adequate provision made by law to enable the said Elizabeth to effect her aforesaid purpose; therefore,

SECTION 2. That the said Robert Allen, of the district of Southwark, in the county of Philadelphia, trustee for Elizabeth McFarren, under the above recited deed of trust, made by James Sullivan Smith, of the city of Philadelphia, and Rebecca Ann his wife, to the said Robert Allen, dated the eleventh day of July, Anno Domini one thousand eight hundred and forty-nine, recorded in the proper office at Philadelphia in deed book G. W. C. number eighteen, page two hundred and eighty-two, be and he is hereby authorized and empowered,

by and with the consent and approbation of the said Elizabeth McFarren, to be signified in writing for that purpose under her hand and seal, by her becoming a party to the mortgage, notwithstanding her coverture, to borrow on a mortgage of all that lot or piece of ground, with the messuage thereon erected, situate on the east side of Shippens lane, at the distance of forty-four feet southward from the south side of Bedford street, in the district of Moyamensing, in the county of Philadelphia, containing in front or breadth on the said Shippens lane twenty feet, and extending in length or depth on the north line thereof, parallel with Bedford street, thirty-five feet four inches and a quarter, and on the south line thereof thirty-two feet nine inches, bounded eastward by ground now or formerly of Edward Bonsall, northward by ground of William Hawthorn, southward by a lot of ground granted to William S. Sinkler, and by him lately granted and conveyed unto Thomas Dean, in fee, and westward by Shippens lane aforesaid, any sum of money not exceeding eight hundred dollars, and to grant and convey the said premises in mortgage, to secure the payment of the sum so borrowed, and that the mortgagee or mortgagees of the said premises under this act, shall take and hold the same in mortgage, (subject to the ground rent,) free, clear and discharged of and from all and every the uses and trusts declared of and concerning the same in and by the aforesaid deed of trust, and shall not in any event be liable to see to the application of the money so borrowed on mortgage, and with and out of the money so borrowed on a mortgage of the said premises, the said Robert Allen shall pay and re-imburse to himself the said sum of six hundred and ninety-six dollars and sixty-five cents due him as aforesaid, with legal interest and the expenses incurred in obtaining this authority to mortgage the said premises, as well as the expenses of preparing and recording the necessary securities, and the balance, if any, pay to the said Elizabeth McFarren, whose receipt for the same shall be a sufficient discharge, notwithstanding her coverture.

SECTION 3. The president, managers and company of the New Hope, Doylestown and Norristown Railroad company, shall have power to survey, lay down, ascertain, mark and fix such routes as they may deem expedient, for such railroads, not exceeding five miles in length, each with such lateral branches thereto, not exceeding one mile in length each, as they may deem necessary, to connect the lime quarries of Bucks and Montgomery counties with their railroad, and to make and construct the same when and as they from time to time may deem best and the business may seem to require, and shall have the same power and immunities, and be subject to the same terms and conditions, (except the election of officers,) that are provided for in the act to incorporate the Plymouth railroad company, passed the eighth day of March, Anno Domini one thousand eight hundred and thirty-six, and that the shares of the capital stock shall be ten dollars each instead of fifty dollars, as now provided.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 265.

AN ACT

To incorporate the district of Belmont, in the county of Philadelphia; fixing the place for holding elections in the township of Elk Creek, Erie county; to the election of township treasurers in certain townships in Allegheny county; changing the place of holding elections in Manchester township, York county; authorizing the sale of real estate of William P. Davidson, deceased; and fixing the place for holding elections in the township of Eldred, in the county of Warren; to a State road in Carbon county; to elections in Knox township, Jefferson county; to auditors of the borough of Mauch Chunk, in Carbon county; to the hunting of deer in Pike county; to highways in Chester county; to elections in Edenburg, Lawrence county; to the bounty on wild cat scalps in Carbon county; repealing certain sections of an act relating to hawkers and peddlers in Bradford county; relative to the election of supervisors and to working out road tax in Fayette county; and relative to Gunner's Run Bridge, Kensington, Philadelphia county.

Boundaries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, all that portion of the township of Blockley, in the county of Philadelphia, comprised within the following boundaries, to wit: Beginning at a point in the river Schuylkill, opposite to the mouth of Sweetbrier creek, on the northern boundary line of the district of West Philadelphia; thence by and on said line and by the several courses thereof to a point where it crosses the centre of Westminster Avenue; thence westwardly along the centre of said avenue to a point in the centre of Haverford plank road; thence north-westwardly along the centre of said road and the several courses thereof to a point opposite to the centre of Fountain road, at the south-west corner of John Miller's estate; thence northwardly along the centre of said road to a point opposite to the dividing line between the lands of Jacob P. Jones and George Prentice; thence westwardly by and on said line to the centre of the Merriam road; thence northwardly along the centre of said road and the several courses thereof to a point opposite to the dividing line between the lands of Lewis Jones and Wm. P. Walters; thence westwardly by and on said line and the several courses thereof to a point in the centre of the Virginia road; thence along the centre of said road by the several courses thereof to the dividing line between the properties of A. J. Pleasonton and Leonard Frailey; thence northwardly by and on said line to the dividing line between the lands of the heirs of Joseph George, deceased, and Israel W. Morris; thence by and on said line to a corner stone; thence by the same course through the lands of Israel W. Morris to the county line; thence north-eastwardly by and on said line to low water mark in the river Schuylkill; thence southwardly along said river and by the several courses thereof to the place of beginning; shall constitute a separate and distinct district in the county of Philadelphia, to be called the district of Belmont.

Style.

SECTION 2. That the inhabitants residing within said district be, and they and their successors forever are hereby constituted a body politic, in fact and in law, by the name, style and title of "The commissioners and inhabitants of the district of Belmont," and by that name shall have perpetual succession, and they and their successors shall at all

times forever be able and capable in law to purchase, have, hold, take, Privileges. receive, possess and enjoy, lands, tenements, hereditaments, liberties, franchises, jurisdictions, goods, chattels and effects, and the same to grant, bargain, sell, alien, convey or devise, at their pleasure, and by the name aforesaid are and forever shall be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record and elsewhere, in all manner of actions, suits, complaints, pleas, causes, and matters and things, that to them as a body politic and corporate in law and in fact shall and may appertain, and to have and to use one common seal, and Seal. the same from time to time at their will to change and alter.

SECTION 3. That the inhabitants residing within said district who are or who shall be qualified to vote for member of Assembly of this Commonwealth; shall meet on the first Friday in May next, at the Election of officers, when and where to be held. Columbia hotel, on the Lancaster turnpike in said district, and on the third Friday in March in every year thereafter, and elect by ballot, in accordance with the general election laws of this Commonwealth for the election of township officers, nine citizens, residents and qualified voters of said district, to serve as commissioners in and for the said district, three to serve for one year, three to serve for two years, and three to serve for three years, and such other officers as are required to be elected by the election laws of this Commonwealth for township purposes, except supervisors of highways and road commissioners of Blockley township, and every year thereafter they shall elect three citizens qualified as aforesaid, to serve as commissioners for three years; and the said commissioners who shall be elected on the first Friday in May next, as aforesaid, shall meet together at the house aforesaid, between the hours of three and six o'clock P. M. on the second Monday after said election, and after being qualified as hereinafter directed, shall organize by electing a president, clerk, and solicitor, and make such rules and regulations as may be necessary for their government, and shall fix upon the place for their future meetings, which place, and rules and regulations, may be altered by said commissioners from time to time as they shall deem necessary, and after every succeeding annual election the commissioners elected at the time shall, together with those whose period of service has not expired, meet at the place appointed for holding such meetings, and shall, after the said commissioners elect be qualified as hereinafter directed, proceed to the business of the corporation: *Pro-Provido. vided*, That no officer appointed by virtue of this act shall be a commissioner except the president elected at the first election held under the provisions of this act, shall expire as follows: That the terms of the commissioners and other officers elected at the first election under this act shall expire as follows; those elected for one year on the third Friday in March, one thousand eight hundred and fifty-four; those elected for two years on the third Friday in March, one thousand eight hundred and fifty-five; and those elected for three years on the third Friday in March, one thousand eight hundred and fifty-six: *And provided further*, That the qualified voters of the township of Blockley, Philadelphia county, shall hold all general, special and township elections at the house of Charles Gamber, Farmers' and Mechanics' inn, in said township.

SECTION 4. That the inhabitants aforesaid shall also elect three citizens qualified as aforesaid to serve as school directors, one to serve for one year, and one to serve for two years, and one to serve for three years, and annually thereafter they shall elect two citizens qualified as aforesaid to serve as school directors for three years, and also such other officers as are required to be elected by the election laws of this School directors to be elected.

Commonwealth for township purposes, except supervisors of highways and road commissioners of Blockley township, and in case a vacancy or vacancies occur in the board of school directors, by death, resignation or otherwise, the remaining school directors may and shall fill such vacancy or vacancies at their next stated meeting, and the person or persons so chosen shall serve until the next annual election.

Elections, how
to be conducted.

SECTION 5. That all elections to be held in pursuance of this act shall be held and conducted in like manner as by the laws of this Commonwealth is or shall be directed for holding the general election for persons to serve in the House of Representatives, under and subject to the same rules and penalties, and when such elections shall be closed, the judge and inspectors of the same, or a majority of them, shall, under their respective hands and seals, certify to the board of commissioners the names of the commissioners elect, with the number of votes in favor of each, and shall within two days after such election, give notice in writing to each of the commissioners elect of their respective elections; and all elections to be held after the first Friday in May next shall be held at such place as the said commissioners shall appoint within the said district, of which elections the said commissioners shall give at least ten days' notice, by hand-bills posted up in at least ten of the most public places within said district: *Provided*, That it shall be the duty of the road commissioners of Blockley township to give notice of the time for holding the first election provided for by this act.

Proviso.

Commissioners
to take an oath
or affirmation.

SECTION 6. That each commissioner elect and returned as aforesaid, shall before he enters on the duties of said office, take an oath or affirmation, before some judge or justice of the peace of the county of Philadelphia, well and faithfully to execute the office of a commissioner of the said district, and shall thereupon, without any further or other commission, enter upon the duties thereof.

Vacancies, how
to be filled.

SECTION 7. That in case of a vacancy or vacancies occurring by death, resignation or otherwise, the remaining commissioners, being a majority of the whole number, shall at any of their stated meetings have power to fill such vacancy or vacancies, as the case may be, and the person or persons so appointed shall, after being duly sworn or affirmed, as aforesaid, enter upon and execute the duties of a commissioner until the next general election, when the qualified voters of said district shall elect a person or persons, as the case may be, to fill said vacancy or vacancies.

Quorum.

SECTION 8. That a majority of the whole number of commissioners when met, shall constitute a quorum for transacting business, except for the purchase and sale of real estate, for mortgaging or incumbering the same, or for borrowing money, for which purposes the concurrence of two-thirds of the whole number of commissioners shall be essential, and in the absence of the president they shall elect one of their body president pro tem., and the said commissioners shall not receive any compensation for their services, and at all of their meetings, which shall be at least once in every month, the door of their place of meeting shall be open for the admission of any peaceable and orderly citizen.

Powers of
Commissioners.

SECTION 9. That the commissioners shall have full power and authority to make, ordain and establish such laws, ordinances and regulations, not inconsistent with the constitution and laws of this Commonwealth, and to appoint such officers and fix their compensation, under such restrictions as they shall deem necessary for the good order and government of the said district, and the same to alter and annul, as circumstances may seem to require.

SECTION 10. That no law or regulation of said commissioners shall go into operation until the same shall be published in one or more public newspapers in the city or county of Philadelphia, and in handbills posted up in not less than ten of the most public places in said district. Laws and regulations to be published.

SECTION 11. That it shall be the duty of said clerk to attend all the meetings of the commissioners when assembled on business of the corporation, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also, for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act or of the acts of the said commissioners, and his attestation, with the corporate seal, shall be good evidence of the thing or act so certified, and the said commissioners shall fix and determine the amount of his compensation. Duties of the clerk.

SECTION 12. That the said commissioners be and they are hereby authorized and enjoined to appoint a treasurer of the said corporation, who shall not at the same time be a commissioner, and who, before he enters on the duties of his office, shall give satisfactory security to the said commissioners, in such penalty as they may deem sufficient, conditioned that he will well and faithfully execute the duties of his office, under the direction of the said commissioners, that he will not apply the moneys of the corporation to his own private purposes, and that he will once in every year, or oftener if required, render and settle his accounts to and with the commissioners; he shall receive all moneys due the corporation for fines, taxes, or otherwise, and pay all orders drawn for the same, signed by the president or president pro tem., and countersigned by the clerk, and shall keep a just and true account of all receipts and payments, and at the expiration of his term of office pay over and deliver to his successor in office all moneys, books, papers and accounts, belonging to the corporation or appertaining to his official duties. Treasurer. Duties.

SECTION 13. That the said board of commissioners shall have full power and authority to lay annually a tax not exceeding one-half of one per cent. on the value, agreeably to the assessment made by the assessor or assessors of the aforementioned township, of all the real estate within said district, and also on all persons residing within the same, and their occupations, to be applied to the purposes of defraying the expenses of the said corporation in carrying this act into full effect: *Provided*, That the president of the said board of commissioners, one member of said board, and the treasurer, or any two of them, shall constitute a court of appeal, and prior to the collection of any district tax, they shall appoint a day for hearing of appeals, of which, and of the amount of his, her or their taxes, and the place where the appeal will be held, the collector shall notify each taxable by a written or printed notice, in the usual form and manner, at least ten days before the day of appeal, and when the said tax shall have been properly adjusted, it shall be the duty of the president, or in his absence or inability to act of the treasurer, and he is hereby authorized to issue his precept, directed to the collector, commanding him to collect all the taxes so assessed, and vesting him with like powers and authorities given to the collectors of county rates and levies by the laws of this Commonwealth, and the amounts so collected shall be paid into the treasury for the use of the corporation: *Provided always*, That the said district shall not hereafter be assessed or bound to contribute towards any tax whatever, or in maintaining and repairing any roads or highways other than those within the limits aforesaid, and that all the taxes collected by virtue of the powers hereby given to the said board Commissioners authorized to levy a tax. Proviso. Court of appeal. Taxes how to be collected. Proviso.

of commissioners, shall be expended exclusively within their own boundaries, for the repair of their own streets, lanes, alleys and public highways, and the other purposes heretofore enumerated.

President to
sign orders.

SECTION 14. That the president of the said board of commissioners, or in his absence or inability to act, the president pro tem., shall sign all orders drawn on the treasurer for the moneys so as aforesaid deposited.

Landing places
on Schuylkill,
commissioners
to have juris-
diction of.

SECTION 15. That all public landing places at the junction of any of the streets with the river Schuylkill, or otherwise, which now are or hereafter may be opened, shall be under the jurisdiction of the aforesaid board of commissioners and their successors, who shall have authority to lease or let permits for landings on said wharves or landings, and all funds arising from the same shall be appropriated to the use and benefit of the corporation of said district.

Court of Quar-
ter Sessions,
Philadelphia
county, to try
offenders.

SECTION 16. That the court of quarter sessions of the peace of the city and county of Philadelphia shall have, and they are hereby vested with full power and authority to inquire of, hear, try and determine all offences which shall be committed within the said district contrary to this act or against any of the laws or ordinances or regulations that shall be made, ordained or established in pursuance of this act, and punish the offender or offenders, as by the said laws, ordinances or regulations, shall be prescribed or directed: *Provided*, That when the fines, penalties or forfeitures shall not exceed the sum of one hundred dollars, they shall be recoverable before any justice of the peace or alderman of said county: *Provided always*, That if any person or persons shall think him, her or themselves aggrieved by any judgment given by any justice of the peace or alderman, as aforesaid, it shall and may be lawful for such person or persons, at any time within twenty days next following the date of such judgment, to appeal therefrom to the next court of quarter sessions of said county, he, she or they first entering into recognizance with at least one sufficient security, in double the amount of such judgment, to prosecute such appeal with effect and abide the order of the court.

Proviso.

Proviso.

Right of appeal.

In controver-
sies, who wit-
nesses.

SECTION 17. That any inhabitant of said district, if otherwise qualified, may be a witness in all controversies arising under this act.

No misnomer to
create a forfeit-
ure.

SECTION 18. That no misnomer of said corporation, provided the intent of the parties sufficiently appear, shall defeat any act or intention of such party or parties, nor shall any nonuser or neglect of the rights, liberties, privileges, jurisdictions and authorities hereby granted to the said corporation, create a forfeiture thereof.

1st and 4th sec-
tions of an act
of April 6th,
1850, to apply
to this district.

SECTION 19. That the provisions of the first and fourth sections of an act entitled "An Act supplementary to an act entitled 'An Act to provide for the election of commissioners for the opening and repairing the public highways in Blockley township, Philadelphia county, and for other purposes,'" approved April sixth, Anno Domini, one thousand eight hundred and fifty, shall in all respects be taken to be enforced in the aforesaid district.

Property late of
R. Peters,
streets, &c., to
be laid out on.

SECTION 20. That the owner or owners, or a majority of them, of the property lately belonging to the estate of the late Richard Peters, deceased, are hereby authorized to cause a survey of said property to be made, and lay out streets, roads or alleys thereon, and for the proper regulation of the heights and descents of said streets or alleys, and the more ready discharge of waters thereof, shall cause leads to be taken, and shall on or before the first day of April, one thousand eight hundred and fifty-four, file or deposit a plan of said streets or alleys, with the regulations of the heights and descents thereof, with marks, notes and explanations necessary for the proper understanding of the same,

in the office of the clerk of the court of quarter sessions for the county of Philadelphia, and such plan and regulation shall be deemed and taken as a part of the plan of the district of Belmont, and shall be and remain unalterable, and that so much of any existing law or laws as will interfere with the operation of this section shall, as far as they relate thereto, be and they are hereby repealed: *Provided*, That no part of the expense of said survey and regulation shall be paid by the county of Philadelphia. Proviso.

SECTION 21. That hereafter the general and township elections in the township of Elk Creek, in the county of Erie, shall be held at the public school-house in the village of Wellsburg in said township. Elk creek township, Erie county, place of elections changed.

SECTION 22. That the commissioners of the county of Philadelphia be and they are hereby authorized and required to erect an iron bridge over Gunner's Run, at Queen street in the district of Kensington, in the place of the present bridge, with a span of not less than sixty feet in width, and to provide for the payment of the cost of the same, either by loan or tax, as may be decided by the county board: *Provided*, The same does not exceed the cost of ten thousand dollars. Gunner's Run, iron bridge over to be erected.

SECTION 23. That from and after the passage of this act, it shall be lawful for the qualified voters of Ohio township and Mifflin township, in the county of Allegheny, at their annual elections for township officers, to elect a treasurer, who shall serve as township treasurer for the term of three years from the time of his election and till another is elected and qualified to fill his place, and it shall be the duty of the said treasurer to examine the accounts of the various officers, and to sue for and collect any unexpended balances in the hands of any of the township officers, and to compel the collection of any taxes that may be due and unpaid at the end of any year. Voters of Ohio and Mifflin townships, Allegheny county, to elect a treasurer.

SECTION 24. That the qualified voters of the township of Manchester, in the county of York, shall hereafter hold their general and township elections at the house now occupied by Michael Billet, in the village of Liverpool in said township. Manchester township, York county, place of elections changed.

SECTION 25. That Doctor Asher Davidson, of Jersey Shore, Lycoming county, guardian of Maria Davidson, James Davidson, Ann R. Davidson, minor children of William P. Davidson, deceased, be and is hereby authorized to sell, either at public or private sale, all the right, title and interest of the said minor children, being the undivided one-fifth part of the undivided one-eleventh part of twenty-five contiguous tracts of land situate in the counties of Montour, Schuylkill and Northumberland, and surveyed on warrants granted to William Adams, Thomas Gaskins, Benjamin Young, Thomas Adams, Henry Antes, James Jenkins, Frederick Antes, Robert Adams, Richard Salmon, Richard Manning, Thomas Foster, Edmund Huff, James Grier, Thomas Grier, Robert Camplain, Thomas Camplain, James Stephenson, James Cousart, Isaac Neff, William Martin, Thomas Grant, Doctor James Davidson, Deborah Grant, and Mary Davidson, and William Morrison: *Provided*, That before a deed shall be executed to the purchaser, the sale shall be approved of by the orphans' court of Lycoming county, and the said Asher Davidson shall execute a bond to the Commonwealth, in a sum to be fixed by the said court, with one or more sureties, to be approved of by the said court, for the faithful application of the proceeds of the said sale. Dr. A. Davidson, guardian, authorized to sell real estate.

Proviso.

SECTION 26. That hereafter the qualified voters of the township of Eldred, in the county of Warren, shall hold their general and township elections at the house of Barney Hunter. Eldred tp., Warren county.

SECTION 27. That the line of State road in Carbon county laid out by commissioners appointed under the act entitled "An Act relating to

Line of a State road in Carbon county, confirmed.

a State road in Carbon county; to a school district in Cumberland county; and to the election of supervisors in Slippery Rock and Shenango townships, Lawrence county," approved the eighteenth day of March, one thousand eight hundred and fifty-one, be and the same is hereby legalized and confirmed, as fully and effectually as if the said road had been laid out on the line and the points specified in said act: *Provided*, That this act shall not interfere with any State road heretofore laid out, in any respect.

Proviso.

Knox township, Jefferson county, place of elections changed.

SECTION 28. That the qualified electors of the township of Knox, in the county of Jefferson, shall hold their general and township elections at the house of John A. Mathews, in said township, and that the first spring election be held on the first Friday of May next, and annually thereafter, at the time fixed for holding the township elections in said county, and that Andrew Hunter and John A. Mathews be inspectors, and Martin Howard be judge, to conduct the said election.

Taxes for school and road purposes for 1853.

SECTION 29. That the school directors and supervisors in said township have full authority to collect all taxes assessed for school and road purposes for the year A. D. one thousand eight hundred and fifty-three, and apply the same as the laws of this Commonwealth direct.

Borough of Mauch Chunk, collection of taxes in.

SECTION 30. That hereafter the auditors of the borough of Mauch Chunk, in the county of Carbon, shall have the same power and authority to enforce a settlement of the accounts of the officers having in charge the collection and disbursement of the borough funds, as are vested in the county auditors, and it is hereby made the duty of the borough officers having in charge the collection and disbursement of the borough funds, to submit their accounts to said auditors, under the same penalties as county treasurers are liable to under the laws of this Commonwealth.

Hunting deer with dogs in Pike county, prohibited.

SECTION 31. That the provisions of an act entitled "An Act to prevent the hunting of deer with dogs in the county of Warren," passed eleventh April, one thousand eight hundred and forty-five, be and the same is hereby extended and shall apply to the county of Pike.

Repair of highways in Chester county.

SECTION 32. That in all cases where any person or persons whose duty it is to repair any section or sections of the public highways in Chester county, shall neglect or refuse to repair them according to law, the supervisors shall have power to collect the cost of repairing said section or sections as county rates and levies are now collected, and any supervisor or supervisors neglecting or refusing to repair any such section or sections, as required by the laws relating to roads in said county, shall incur a penalty of not less than five nor more than twenty dollars, collected before a justice of the peace, one half to go to the informer, and the other to be for the benefit of the school fund of the township in which the supervisor or supervisors may reside.

Penalty for neglect of duty.

Mahoning township, Lawrence county.

SECTION 33. That the township and general elections for the township of Mahoning, in Lawrence county, shall hereafter be held in the town hall in the village of Edenburg.

Certain sections of an act of 27th April, 1852, repealed.

SECTION 34. That the second, third, fourth and fifth sections of the act entitled "An Act relating to Towanda creek plank road company; to hawkers and pedlers in Bradford and Beaver counties; to the trustees of Athens Academy; and to ten-pin alleys and billiard rooms in Wyoming county," approved the twenty-seventh day of April, A. D. one thousand eight hundred and fifty-two, be and the same are hereby repealed.

Bounty on wild cats and fox scalps, in Carbon county.

SECTION 35. That hereafter the bounty on all wild cat scalps in the county of Carbon shall be one dollar, and the bounty on all fox scalps in said county shall be fifty cents.

SECTION 36. That hereafter the qualified voters of Dunbarr town-ship, in Fayette county, shall elect three supervisors at their annual election, one in the side of the township north of the white horse state road, and two in the south side said township, to be districted by them to suit property holders in said township. Dunbarr town-ship, Fayette county, three supervisors to be elected.

SECTION 37. That persons owning land in two or more of the districts, shall work out all their road tax in the district in which they may reside, and the supervisor shall credit them accordingly; any act not consistent with the provisions of this is hereby repealed. Property owners to work out road tax.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 266.

AN ACT

Relative to the Union Mutual Insurance company of Philadelphia; to the joint ownership of the canal through Wind-mill Island, in the river Delaware; to the trust estate of Mary A. Brooks, of the city of Philadelphia; to the real estate of John Taylor, junior; to the Board of Wardens of the port of Philadelphia; legitimating Jane Adelaide Mulhollan; and relative to the estate of Amos Hollahan, late of the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and directors of the Union Mutual Insurance company of Philadelphia, be and they are hereby authorized and empowered to appoint agents or officers to effect insurance in any of the other States of the Union, or without its limits, and that contracts of insurance effected by such agents or officers, shall be as valid and binding as if the same were effected by the president and directors aforesaid in the State of Pennsylvania. Authority to effect insurances out of the State

SECTION 2. That the Camden and Philadelphia Steamboat Ferry company, be and they are hereby authorized to carry into complete execution any contract or agreement which they have made, or hereafter may make, with the West Jersey Ferry company, (a corporation created by the State of New Jersey,) for the joint ownership by the said companies of the canal through Wind-mill island, in the river Delaware; and that thereafter the said companies shall have power to levy and collect tolls for all vessels passing through said canal, at any rate not exceeding one fourth of one mill per ton, upon the tonnage of all vessels for each passage through said canal, and to collect such tolls by action against any parties owning or navigating such vessels, or in Canal through Wind-mill Island, ownership.
Power to levy and collect taxes.
Rates of tolls.

Proviso.

the manner heretofore provided by law for enforcing the payment of tolls in the said canal: *Provided*, That the councils of the city of Philadelphia shall at all times hereafter have the right to purchase the said canal, on payment of the cost thereof to the said companies, and in case of such purchase, the canal shall thereafter be a public highway, free of tolls, except such tolls as the said city councils may deem necessary to keep the said canal in good order and repair.

Geo. W. Hickling, trustee, authorized to sell real estate.

SECTION 3. That George M. Hickling, the present trustee under a certain deed of trust from John Brooks and wife to John Easley, dated the twenty-second day of April, eighteen hundred and forty-seven, for a two story brick house and lot on the north side of Morris alley, between Chesnut and Walnut streets, city of Philadelphia, in trust for the sole and separate use of Mary A. Brooks, wife of said John Brooks, during her life, with remainder to their children, in fee simple, be authorized to sell and convey in fee simple to any purchaser the said premises, free and discharged of all trust, and without liability to see to the application of the purchase money: *Provided*, That the purchaser shall be obliged to see that the purchase money shall be invested by order of the orphans' court for the city and county of Philadelphia, upon the trusts of said deed, in bond and mortgage, or upon ground rent, or such securities or loans as trustees are by law authorized to invest in, or shall see that adequate security, to the satisfaction of said court, shall be given therein, for making such investment upon the trusts aforesaid.

Trustees of John Taylor, Jr., authorized to sell real estate.

SECTION 4. That Francis Shaw Buckley, Edward Battemly, and James Broadbent, executors and trustees in the last will and testament of John Taylor, junior, late of Dobeross, within Saddleworth, in the county of York, England, mentioned, constituted and appointed, and any other person or persons who may hereafter be appointed trustee or trustees under the said last will and testament, by the court of common pleas of the city and county of Philadelphia, shall have full power to sell and convey the real estate within the said city of Philadelphia of which the said John Taylor, junior, died seized in fee simple, free and discharged of all trusts whatsoever: *Provided always*, That the proceeds of sale of such real estate shall be held, invested and applied by such trustee or trustees in trust, for the same person and persons, and for like purposes, uses, trusts and benefits, as in and by the said last will and testament it is provided and directed that the said real estate shall be held.

Proviso.

SECTION 5. The jurisdiction, power and authority heretofore conferred on the wardens, or the board of wardens for the port of Philadelphia, shall be and the same are hereby extended to embrace a like jurisdiction, power and authority, over any and every navigable stream within the county of Philadelphia, and all wharves or wharf structures heretofore or hereafter built or constructed on any such navigable stream, which shall be licensed by the said board of wardens, shall be considered a lawful structure, unless such license be vacated or set aside on appeal from the said board of wardens, in manner and form as provided by law.

Wardens of port of Philadelphia, jurisdiction extended.

Jane Adelaide Mulhollen, legitimated.

SECTION 6. That Jane Adelaide Mulhollen, of the city of Philadelphia, (who with Mary Virginia Mulhollen, now deceased, were illegitimate daughters of Charles Mulhollen, of the parish of Rapides, in the State of Louisiana, deceased,) shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate of the said Mary Virginia Mulhollen whatsoever, as fully and completely, to all intents and

purposes, as if the said Mary Virginia and Jane Adelaide had been born in lawful wedlock.

SECTION 7. That John Holahan, trustee under the last will and testament of Amos Holahan, late of the city of Philadelphia, deceased, be and he is hereby authorized and empowered to raise the sum of three thousand dollars, by mortgage of all that certain four story brick messuage or tenement, and lot or piece of ground thereunto belonging, situate on the north side of Chesnut street, between Delaware Fifth street, in the city of Philadelphia, containing in breadth on the said Chesnut street twenty feet three inches, and extending that breadth in depth northward seventy-three feet, then narrowing on the west side thereof two feet six inches, and extending further in depth fifty-three feet, making the whole depth one hundred and twenty-six feet, bounded westward by ground partly of Jacob Strenbeck and partly of Peter L. Duponceau; northward also by ground of said Peter L. Duponceau; eastward by ground formerly of George Kemble; and southward by Chesnut street aforesaid; together with all and singular the appurtenances whatsoever thereunto belonging, for the purpose of paying, satisfying and discharging the said sum of three thousand dollars, the balance due and owing for the erection of said four story brick messuage or tenement: *Provided*, That no money so to be raised by such mortgage shall be paid to John Holahan, trustee as aforesaid, until he shall have given sufficient security, to be approved by the orphans' court of the said city and county of Philadelphia, conditioned for the faithful application of such moneys, pursuant to the terms of this act.

John Holahan, trustee, authorized to borrow money on mortgage.

Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 267.

AN ACT

Fixing the time of holding the Courts in the twenty-fifth Judicial district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the terms of the courts composing the twenty-fifth judicial district, shall commence as follows:

Terms of courts when to commence.

In the county of Centre on the fourth Mondays of January, April, Centre county. August and November.

In the county of Clearfield on the third Mondays of February, May, Clearfield county. September and December.

Clinton county. In the county of Clinton on the second Monday of June next, and thereafter on the days authorized by law previous to the passage of the act, approved April ninth, one thousand eight hundred and fifty-three, entitled "An Act relating to the judicial districts of this Commonwealth."

Returns of writs, &c., regulated. SECTION 2. That all writs, rules, recognizances, orders and decrees made returnable in any of said courts to the terms as fixed by law prior to the passage of said act of April ninth, one thousand eight hundred and fifty-three, shall be considered as extended, continued and returnable to the terms as fixed by this act.

Repeal. SECTION 3. That all laws or parts of laws inconsistent with the provisions of this act, or altered and supplied thereby, are hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 263.

AN ACT

Incorporating the Panther Creek and Laurel Run Railroad company.

Commissioners. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Bradford, F. McDonald, Samuel H. Rothermell, Jacob Serrill, Charles B. Potlinger, Jno. P. Sanderson, George Payne, and M. G. Heilner, or any three of them, be and they are hereby appointed commissioners, to open books for the purpose of receiving subscriptions to the capital stock of the company hereinafter directed to be incorporated.

Capital stock. SECTION 2. That the capital stock of the said company shall be three hundred thousand dollars, which said capital may at any time be increased, if required, to any sum not exceeding six hundred thousand dollars.

Powers. SECTION 3. That the Panther creek and Laurel run railroad company, hereby directed to be incorporated, shall be and hereby is invested with all the rights and powers necessary for the construction of a railroad and repairs of the same, from the mouth of Laurel run, Schuylkill county, to connect with the Philadelphia and Reading railroad, with the right to make such lateral branches, each not exceeding six miles in length, as the exigencies of trade may from time to time require.

Right to make branches.

SECTION 4. That the said company shall be entitled to all the rights and privileges, and be subject to all the restrictions and regulations provided for in the act entitled "An Act regulating railroad companies," approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine, which are not inconsistent with this act. Subject to provisions and restrictions of certain act.

SECTION 5. That the said company shall not charge a higher rate for toll and transportation on all commodities transported over their roads, than one and three quarter cents per ton per mile. Rate of toll.

SECTION 6. That the twelfth section of an act to incorporate the Penns plank road company; annexing the county of Clinton to the middle district of the supreme court; and so forth, approved the seventh day of April, one thousand eight hundred and fifty-three, shall be so construed as to repeal only so much of the act therein referred to as relates to the borough of Easton, in the county of Northampton. 12th section of an act of 7th April, how to be construed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 269.

AN ACT

To incorporate the Amphictian Lodge number three hundred and fifty-six, Independent Order of Odd Fellows, of Salem, in the county of Wayne; authorizing the sale of the real estate of Milton Dimmick, deceased; legitimating George W. Killam and Emily Miles; vacating a portion of Schuylkill Second street, in the district of Spring Garden; authorizing a special election in the borough of Tamaqua; and authorizing the laying out of a State road from Morgan's mill, in Beaver county, to West Middletown, in Washington county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Richard Evan, John Nash, A. B. Walker, E. Watrons, and other members of the Amphictian Lodge number three hundred and fifty-six, Independent Order of Odd Fellows, of Salem, in the county of Wayne, and their successors, and all persons who hereafter may be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Amphictian Lodge," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, and shall be able and capable in law and in equity to take and hold, to them and their successors, Amphictian lodge, corporators. Style. Privileges.

either by grant, gift, devise or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association, and also to take and hold for the use of the said association, any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell, lease or mortgage, for the use or benefit of the said association, and generally to do all and any of the matters and things which shall be lawful for them to do for the well-being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall be at any time possessed of shall not exceed the clear yearly value of three thousand dollars.

Proviso.

Object.

SECTION 2. That the object of said association shall be to provide, erect, and furnish a hall or suitable building or buildings, in the township of Salem, and county of Wayne, for the accommodation of such association or societies, and for such other purposes as they shall deem proper.

May have a seal, &c.

SECTION 3. That it shall and may be lawful for said incorporation to have a common seal, and the same at their will and pleasure to change, alter and renew, as they shall deem proper, and shall have and exercise all the rights and privileges and immunities necessary for the purpose of the incorporation, and as herein expressed.

Trustees.

SECTION 4. That the government of the Odd Fellows of Salem, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually, at such time and in such manner as the said association shall by its by-laws provide; at the first meeting of the trustees after their election in each year they shall choose from their body a president, secretary and treasurer.

Reservation.

SECTION 5. That the Legislature reserves the right to alter, revoke and annul this charter, whenever in their opinion such revocation shall be considered necessary for the public interest: *Provided*, That no injustice shall be done to the corporators thereof.

Proviso.

Wm. H. Dimmick, guardian, authorized to sell real estate.

SECTION 6. That William H. Dimmick, guardian, or M. M. Dimmick, administrator of the estate of Milton Dimmick, deceased, late of Pike county, be and they or either of them are hereby authorized to sell and convey, either at public or private sale, any real estate, or interest in real estate, which the said Milton Dimmick may have owned at the time of his death, for cash or on a credit: *Provided*, That the said administrator or guardian shall give bonds with security, for the faithful application of the proceeds of sale, and which bond shall be approved of and filed in the orphans' court of Pike county, and the said sale shall also be approved of by the said court.

Proviso.

Geo. W. Killam and Emily Miles, to legitimate.

SECTION 7. That George W. Killam, son, and Emily Miles, daughter, of George Killam, late of Wayne county, shall have and enjoy all the rights and privileges, benefits and advantages, of children born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if they had been born in lawful wedlock.

Schuylkill second street, Philadelphia, part vacated.

Proviso.

SECTION 8. That so much of Schuylkill Second street as is laid out on the plan of the district of Spring Garden, in the county of Philadelphia, by the surveyor of said districts, as lays between Parrish and Brown streets, be and the same is hereby vacated: *Provided*, Said vacation be first approved by the board of commissioners of said district.

SECTION 9. That it shall be lawful for the qualified voters of the South ward, Tamaqua, Schuylkill county, to hold a special election for a justice of the peace to fill the vacancy caused by the removal of Albert H. Denel, and it shall be the duty of the constable of said ward, as soon after the passage of this act as practicable, to give at least ten days notice, in the manner now directed by law in regard to township elections; designating the time at which such special election will be held to supply such vacancy, and the said election shall be held at the usual place of holding township elections within said ward, and be conducted by the officers that held the last election in said ward. South ward, Tamaqua, Schuylkill county, special election authorized.

SECTION 10. That Findley Patterson, Doctor William Dunnun, of Commissioners. Burgetstown, and John Cratty, of Cross creek village, in Washington county, be and they are hereby appointed commissioners to do certain matters and things, as is specified and described in the following sections of this act:

SECTION 11. That it shall be the duty of the said board of commissioners, or a majority of them, after being sworn or affirmed by a justice of the peace, to perform the duties enjoined on them by this act with fidelity and impartiality, to meet at some point fixed by themselves, on or before the first Tuesday in May, one thousand eight hundred and fifty-three, and proceed to view and explore the different routes that may be considered practicable for a State road, of the character desired by the petitioners, from J. Morgan's mill, in Beaver county, by the Bavington mills and Burgetstown, to West Middletown, in Washington county, and to determine on the most practicable route, having regard to the shortest distance, the least injury to private property, and the public good. Duties. To view and determine route for a State road.

SECTION 12. That it shall be the duty of said commissioners to appoint one of themselves who is an artist, or some other fit surveyor, who shall take to his assistance two chain-bearers and one axe-man, and proceed immediately after the adoption of the route to survey and grade the same, as near a straight line as possible, thirty-three feet in width, and not to exceed at any point four degrees from a horizontal line, except at crossing ravines and streams, when by moderate excavation, filling, or bridging, the declination may be preserved within that limit. Surveyor, &c.

SECTION 13. That it shall be the duty of the artist plainly and distinctly to mark the location of said road, and make out two fair and accurate drafts of the same, noting therein the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, and such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth on or before the first Tuesday of January, Anno Domini one thousand eight hundred and fifty-four, and one copy in the office of the clerk of the court of the county of Washington, on or before the day aforesaid, which shall be record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts: *Provided, however,* It may be opened under the direction of the artist, in case there is no additional expense on the counties or townships. Location to be marked and drafts made out. Proviso.

SECTION 14. That said commissioners shall have power to vacate so much of any road as may be supplied by the new one, if it should appear expedient so to do, and in case access to any branch or lateral road may be obstructed by vacating any part of roads so supplied, it Authority to vacate other roads.

shall be the duty of the artist to connect all such lateral or cross roads with the main line of road, and show the connection in the drafts aforesaid.

Damages.

SECTION 15. That it shall be the duty of the commissioners to endeavor to procure from the persons through whose land such location may be made, releases for all claims of damages that might arise from opening the same, and in every case where said commissioners shall fail to procure such releases, and it shall appear to them that any damages will be sustained, they shall assess the damages, and make report thereof, signed by a majority of them, and return the same, together with all releases obtained, to the court of quarter sessions of the county in which such damages may accrue.

To supply vacancies.

SECTION 16. That if any vacancy should occur by resignation or otherwise, in the board of commissioners, the remaining members of the board shall call to their assistance a suitable person, who, when sworn or affirmed, shall have the same power as though he had been named in this act.

Compensation.

SECTION 17. That the commissioners and artist shall receive for their services one dollar and fifty cents for each day engaged in the discharge of the several duties enjoined on them by this act, and the chain-bearers and axe-man shall each receive one dollar per day for each day on service in locating said road; the accounts of the commissioners, surveyor, chain-bearers and axe-man shall be made out and returned to the commissioners of each county, in proportion to the time spent in viewing and locating said road, and the said accounts shall be paid out of the treasury of the respective counties, on warrants drawn in the usual way.

Supervisor to apply tax to road.

SECTION 18. That the supervisors of roads in the several townships through which this road may pass, are authorized and required to apply at least one-half of the tax assessed for road purposes on property lying and being within one mile of said road each year, until it is made good.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 270.

AN ACT

To incorporate the Hinkletown and Soudersburg Turnpike Road company; authorizing the German Reformed congregation of Lancaster city to borrow money and sell real estate; authorizing the Pleasant Grove Division of Sons of Temperance to wind up its affairs; relative to the Mercer and Shenango Plank Road company; and relating to elections in the borough of Connellsville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Ephraim Carpenter, John Vogan, Marks S. Groff, E. G. Groff, Jacob F. Herr, Martin Beck, and Allen Summy, or any three of them, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company, by the name, style and title of "The Hinkletown and Soudersburg turnpike road company," with power to construct a turnpike road from the village of Hinkletown, in the county of Lancaster, by way of Vogansville, Bareville, and Fairview, to the Philadelphia and Lancaster turnpike, near Soudersburg, in said county, subject to the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the several supplements thereto, and with power to construct a branch or branches from any point on the main stem of said road to the Philadelphia and Columbia railroad: *Provided, That* such branch or branches shall not be of a greater length than five miles. Commissioners.
Style.
Location.
Subject to provisions of certain act.
Proviso.

SECTION 2. That the capital stock of said company shall consist of four hundred shares, at fifty dollars each, and by a vote of the stockholders, called for the purpose, to increase the same to eight hundred shares, if the same shall be deemed necessary to carry into effect the true intent and meaning of this act. Capital stock.

SECTION 3. That if the said corporation shall not commence the construction of said road within two years from the passage of this act, and complete the same within ten years from the passage of the same, this act shall be null and void, except so far as the same shall be necessary to close and settle the affairs of said company: *Provided, That* when two or more miles of said road shall be completed and approved of, as provided by the general act and the supplement thereto, the said corporation shall be authorized to receive toll therefor. When to be commenced and completed.
Proviso.

SECTION 4. That the ministers, trustees, elders and deacons of the German Reformed congregation of Lancaster city, be and they are hereby authorized and empowered to grant, bargain and sell, any part of the real estate of said corporation, as they may deem right and proper, and to borrow money, and secure the same by executing bonds and mortgages, or confessing judgments, on the real estate of said corporation: *Provided, That* the proceeds of such sale or sales, loan or loans, shall be applied to the finishing of the new church edifice now being erected by said corporation, or the payment of the debts due on said new building, and to no other purpose whatever. German Reformed congregation, Lancaster, authorized to sell real estate.
Proviso.

SECTION 5. That Jacob Fite, Thomas S. Hoopes, and William M. Way, trustees of Pleasant Grove Division of the Sons of Temperance

Trustees Pleasant Grove division Sons of Temperance, authorized to sell real estate. Proviso. number three hundred and eighty-six, be and they are hereby authorized to sell at public sale, all the real estate of said division, and after paying the expenses incident to the sale, to apply the proceeds thereof, to the payment of the debts due by the division, and after such payment to distribute the remaining proceeds pro rata among the subscribers who have paid their subscriptions: *Provided*, That before such sale, the said trustees shall give security, to be approved by the court of common pleas of Lancaster county, for the faithful application of the proceeds thereof.

Mercer and Shenango R.R. Co., may occupy other road. SECTION 6. That the Mercer and Shenango plank road company may occupy the bed of the public road leading from the borough of Mercer to the head of Shenango, or any part thereof, if the same is deemed advantageous in the construction of their road, and may locate their road on and along the same.

Voters of Connellsville may elect councilmen. SECTION 7. That the qualified voters of the borough of Connellsville, shall at their next annual borough election, elect six persons to serve as councilmen, as follows: two for three years, two for two years, and two for one year, and two annually thereafter.

Provisions of certain act not to apply to borough of Connellsville. SECTION 8. That the fourth article of section third of an act passed regulating boroughs, approved April third, Anno Domini, one thousand eight hundred and fifty-one, shall not apply to the borough of Connellsville, in Fayette county, but in lieu thereof it shall be the duty of the burgess of said borough to give at least ten days' notice, by written or printed notices, to be by him put in at least five public places in said borough, of said election.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 271.

A SUPPLEMENT

To an act authorizing the borough of Bolivar, in Westmoreland county, to dig a well; in relation to State and Turnpike roads, et cetera, passed the fifteenth day of April, one thousand eight hundred and fifty; to extend the time for construction of a bridge over the Allegheny river opposite Sharpsburg, Allegheny county; relative to the Monongahela mining company; to the Darlington Cannel Coal Railroad company; and to authorize James Smith to establish a ferry on the Youghiogheny river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners, Joel Ketchum, James Scott, and Joseph Taylor, be and they are hereby appointed commissioners to review and lay out a State road

Commissioners,
State road.

from Elizabethtown, in Allegheny county, by the way of Andrew Fife's steam mill, to a point on the Youghiogheny river, to be determined by the commissioners, at or near to opposite to Alexander Guffy's salt works, by the nearest and best route, marking the same plainly on the ground: *Provided*, That after a view being had, a majority of Proviso. said viewers shall determine that said road is necessary: *And provided further*, That if any vacancy shall occur in the board of viewers Proviso. hereby appointed, the court of quarter sessions of said county shall supply the same by the appointment of a suitable person or persons to fill such vacancy or vacancies.

SECTION 2. That the said commissioners, after taking and subscribing an oath or affirmation to perform the duties enjoined on them by this act with fidelity and impartiality, shall proceed to view the ground, and lay out the road, as near a straight line between Elizabeth- Location of town, Allegheny county, to the point determined upon on the Youghio- road. gheny river, at or near to opposite Alexander Guffy's salt works, by the way of Andrew Fife's steam mill, as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except at crossing ravines and streams, when by a moderate excavation, filling or bridging, the declination of said road may be preserved within that limit, and said commissioners shall have power to vacate such portions of any county roads as may May vacate and be rendered in their opinion unnecessary, and to include in the line of appropriate survey any portions of such roads as may be advantageous in locating other roads. said road.

SECTION 3. That the said commissioners shall meet on or before the May employ first day of May, one thousand eight hundred and fifty-three, and surveyor, &c. proceed to complete the view of said road, and they are hereby authorized to employ one surveyor, at a per diem not exceeding two dollars, two chain-bearers and one axeman, at a per diem of one dollar each, and the said commissioners shall each receive a per diem of not exceeding one dollar and fifty cents for each day necessarily spent in the discharge of the duties enjoined by this act, and the accounts of said commissioners for their own pay and the pay of surveyor, chain-bearers and axeman, shall be paid by the commissioners of Allegheny How to be paid. county, by warrants drawn on the county treasurer.

SECTION 4. That it shall be the duty of the said commissioners to Duty of com- make out a fair and accurate draft of the location of said road, noting missioners. courses and location, distances, improvements, waters and roads, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of August next after the said survey is completed, and one copy in the office of the court of Allegheny county, and from thenceforth the said road shall be a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out and opened by order of the said court of quarter sessions of said county: *Provided*, That said Proviso. road shall not be opened to a greater width than thirty feet, only at the Youghiogheny river, where it shall be at least fifty feet.

SECTION 5. That it shall be the duty of said commissioners to en- Damages. deavor to procure from all persons through whose lands said road may be located, a release for all claims of damage which might arise from opening said road, and in every case where they cannot obtain such release, it shall be their duty to assess the damages and make report thereof, signed by a majority of them, and return, together with the releases, to the said court of quarter sessions.

SECTION 6. That so much of the act to which this is a supplement Repeal. as is hereby altered or supplied, be and the same is hereby repealed.

Bridge at
Sharpsburg,
time to erect
extended.

SECTION 7. That all the provisions of "An Act to extend and continue in force an act entitled 'An act to authorize the Governor to incorporate a company to erect a bridge over the Allegheny river, at or near Sharpsburg, in Allegheny county; and continuing in force an act passed the seventeenth of March one thousand eight hundred and forty three,'" be and the same is hereby continued in force, and the time for the construction of said bridge extended for a period of three years from and after the passage of this act.

11th section of
a certain act,
how to be con-
strued.

SECTION 8. That the provisions of the eleventh section of an act to incorporate the Chartiers' Coal company, in the county of Allegheny, passed March third, one thousand eight hundred and forty-nine, incorporated into and made part of an act to incorporate the Monongahela Mining company, passed March twenty-sixth, one thousand eight hundred and fifty-one, so far as relates to the river connection therein authorized to be made, shall be construed to apply to the Monongahela river: *Provided*, That the said Monongahela Mining company may, if they deem it expedient, connect at three several points with the said river.

Proviso.

Darlington coal
railroad co.,
authority to
borrow money.

SECTION 9. That the Darlington Cannel Coal railroad company, be and they are hereby authorized to borrow the money, or any part thereof, as provided for in the twenty-first section of the act incorporating said company, at any rate of interest not exceeding seven per cent. per annum.

Jas. Smith, au-
thorized to erect
a ferry.

SECTION 10. That James Smith, of the township of Perry, in the county of Fayette, his heirs and assigns, shall have the right and privilege, at his own expense, to make good and convenient landings on either side of the Youghiogheny river, at or near the mill of the said James Smith, in said county, and to use said river between the said landings as a public ferry, and shall receive such tolls for carrying persons, teams, carriages, horses, freight, and other animals, as may be prescribed by the court of quarter sessions of Fayette county: *Provided*, The navigation of said river shall not be obstructed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 272.

A N A C T

To incorporate the Hamburg Council number seventy-four, order of United American Mechanics at Hamburg, in the county of Berks, and relative to the improvement of Broad street, in the districts of Spring Garden and Penn.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James S. Leed, Reuben Lins, W. E. Shollenberger, P. C. Baum, S. S. Fister, E. M. Miller, B. E. Shollenberger, W. P. Leib, J. E. Shollenberger, F. A. Wagner, George K. Seaman, Valentine E. Shollenberger, George S. Adams, W. D. Shamo, Benjamin Kline, and their successors, and all persons who may hereafter be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "Hamburg Council number seventy-four, Order of United American Mechanics," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, and shall be able and capable in law and in equity to take and to hold, to them and their successors, either by grant, gift, devise or lease, any buidings, lands, or real estate, for use or the purpose of erecting thereon a suitable building or buildings for the accommodation of said body politic, and also to take and hold, for the use of said body politic, any goods and chattles, sum or sums of money, by gift, grant, bargain, sale, will, devise, or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell, lease or mortgage, for the use or benefit of the said body politic; and also all contracts or trusts heretofore made or held for the benefit and use of Hamburg Council number seventy-four, order of United American Mechanics, at Hamburg, in the county of Berks, be and the same shall hereby be as valid, and enure to the benefit of said Hamburg Council number seventy-four, Order of United American Mechanics, as if made in pursuance of this act of incorporation; and further to do all and singular the matters and things which shall be lawful for them to do for the well being and due management of the affairs of the aforesaid body politic: *Provided,* That the real estate of which the said corporation shall at any time be possessed of, shall not exceed the clear yearly value of three thousand dollars.

SECTION 2. That it shall and may be lawful for the said incorporation to have a common seal, and the same at their will and pleasure to change, alter and renew, as they shall deem proper, and shall have and exercise all the rights and privileges and immunities necessary for the purposes of the incorporation hereby constituted, and as herein expressed.

SECTION 3. That the Government of Hamburg Council number seventy-four, order of United American Mechanics, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually, at such time and in such manner as the said body politic shall by its by-laws provide; at

Corporators.

Style.

Powers.

Proviso.

Seal.

the first meeting of the trustees after their election in each year they shall choose from their body a president, secretary and treasurer.

By-laws.

SECTION 4. That the corporation hereby created shall have leave and authority to make by-laws, conformable to the charter and not in violation of the Constitution and laws of the United States or of this Commonwealth.

Reservations.

SECTION 5. That the legislature reserves the right to alter, revoke or annul this charter, whenever in their opinion such revocation shall be considered necessary for the public interest: *Provided*, That no injustice shall be done the corporators.

Proviso.

Comm'rs of
Spring Garden
and Penn auth-
orized to widen
foot-ways.

SECTION 6. That whenever a majority of the whole number of commissioners of the district of Spring Garden and Penn, in the county of Philadelphia, or either of them, shall deem it advisable, it shall and may be lawful for them to increase the width of the side-walks or footways along the whole or any part of said Broad street, within the limits of said districts, by extending the lines of the curb-stone towards the middle of said street, not exceeding ten feet on each side thereof, or it may be lawful for a majority of the whole number of commissioners of said districts, or either of them, to appropriate not more than thirty feet of the middle of said Broad street through the whole or part of their respective districts, for a public promenade.

Surveyor of
Penn district,
authorized to al-
ter plan.

SECTION 7. That from and after the passage of this act, the surveyor of the district of Penn be authorized to make such alterations in the plan of the part of the said district lying between Columbia avenue on the northward, Thirty-ninth street on the eastward, and the river Schuylkill on the southwest, as he may deem expedient, and upon the said alterations] being approved by the commissioners of said district, and the owners of the ground within which the same may be made, and a plan thereof being filed in the office of the clerk of the court of quarter sessions for Philadelphia county, the same shall be confirmed by the court: *Provided*, That no alteration shall be made in Pennsylvania avenue by virtue of this act.

Proviso.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 273.

AN ACT

Relating to the District of West Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the district of West Philadelphia are authorized to purchase, and the Odd Fellows' hall association of the district of West Philadelphia, in the county of Philadelphia, are authorized to sell all that certain hall or building erected by the latter, and situate at the south-east corner of Washington and Park streets, in said district, together with the lot on which the same is erected, and payment of said purchase money may be made either in cash or in the coupon bonds of the said district, bearing interest at six per centum, as may be agreed upon between the said parties, and the said Odd Fellows' hall association, or the trustees in whom the legal title thereof may be vested at the time of said sale, are hereby authorized and empowered to make and execute any deed or conveyance that may be necessary to vest the same in fee in the said district: *Provided,* That before the conveyance of said lot or piece of ground and hall thereon erected, the consent of a majority in numbers and interest of the stockholders of said association shall be first had and obtained: *And provided,* That said commissioners, if they shall deem it more expedient, may in lieu of said purchase, erect and build a public or district hall, upon a lot or square of ground to be bought and held by them for said purposes.

Comm'rs authorized to purchase certain hall and lot.

Proviso.

Proviso.

SECTION 2. That upon the receipt of the purchase money or other consideration of said hall, the board of managers of said association, after first paying off and discharging all the debts and liabilities of said association, shall distribute the balance among the stockholders thereof, according as they shall be entitled.

Purchase money to be distributed.

SECTION 3. That the West Philadelphia Gas company, incorporated by an act approved the twelfth day of April, Anno Domini one thousand eight hundred and fifty-one, is hereby authorized and empowered to grant, bargain, sell, assign and dispose of, to the commissioners of the district of West Philadelphia and their successors, who are hereby authorized to purchase the same, all the lands, tenements and hereditaments, goods and chattles, and all the estate, real, personal and mixed, of what kind or quality soever, of the said company, and to make and execute all necessary deeds and assurances in the law therefor: *Provided,* That the consent of a majority in numbers and interest of the stockholders of said company shall be first had and obtained: *And provided,* That payment for the said purchase may be made either in cash or in the coupon bonds of the said district, bearing interest at six per cent., as may be agreed upon by the said parties.

West Phila., Gas company, authorized to sell real estate.

Proviso.

Proviso.

SECTION 4. That from and after said transfer, the commissioners of the district of West Philadelphia shall have and possess all the rights, liberties and franchises of said company whatsoever, and especially for the manufacture, purchase and sale of gas, to be made from bituminous coal or other materials, for the purpose of lighting the streets, buildings, factories, and other places in said district, and shall have

Rights, liberties, &c.

full power and authority to buy land for a site for gas works, and erect the same, to make and enter into all necessary contracts and covenants in relation thereto, and to make such rules and regulations, and to pass such ordinances for the management and protection of said works, as may be requisite.

Trustees. SECTION 5. That if the commissioners of said district shall so decide, or if it shall become necessary so to do, by the terms of purchase from the said West Philadelphia Gas company, the management and control of the said works and manufacture and sale of gas, as aforesaid, shall be vested in a board of trustees, in a similar manner as in the city of Philadelphia, and in like manner subject to such regulations as may be made from time to time by the commissioners of said district, who are hereby authorized to pass all necessary ordinances therefor.

Commissioners may contract loans. SECTION 6. That the commissioners of said district are hereby authorized to contract such loans as may become necessary from time to time, for the purposes of said district, and to issue certificates of loan therefor, of not less than one hundred dollars each, payable in twenty years, and bearing interest not exceeding six per cent. per annum; and when said loan shall be contracted, for the construction of water works or introduction of gas within said district, the said commissioners are hereby authorized and empowered to set apart and pledge the nett income from said sources towards the payment of the interest of said loans respectively: *Provided, however,* That no loan shall be contracted as aforesaid, without the consent of two-thirds of said commissioners.

Guardians of the poor of Phil'a., duties. SECTION 7. That from and after the passage of this act, it shall be the duty of the board of guardians of the poor under the act entitled "An Act for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and the townships of Northern Liberties and Penn," passed the fifth day of March, one thousand eight hundred and twenty-eight, to receive into the Blockley alms house all the poor of the district of West Philadelphia, in the county of Philadelphia, and treat the same in the same manner as the poor in the city of Philadelphia are now or may hereafter by law be treated, and the said board of guardians are hereby fully empowered to levy, assess and collect taxes from said district, in like proportionable amounts and like manner as they now levy, assess and collect taxes for the support of the poor of the city of Philadelphia, and incorporated districts in the county of Philadelphia, and that the commissioners of the district of West Philadelphia, in the county of Philadelphia, shall have power and authority to elect, at the time and in the manner now provided by law for other districts in said county, one person to serve as guardian of the poor for said district; and the person so chosen shall have the same powers, authorities, duties and privileges, as guardians of the poor chosen by other districts in said county now have and enjoy; and that all the laws of this Commonwealth now in force relating to the relief and employment of the poor applicable to other incorporated districts in said county, whose poor are by law received into said Blockley alms house, shall be in full force and effect in the said district of West Philadelphia.

Power to collect Tax.

Comm'rs West Phil'a., may elect a guardian of the poor.

Repeal. SECTION 8. That the sixth section of an act of Assembly passed the fourteenth day of March, one thousand eight hundred and fifty, entitled "A Supplement to an act to incorporate the borough of West Philadelphia," approved the seventeenth day of February, Anno Domini one thousand eight hundred and forty-four, be and the same is hereby repealed.

SECTION 9. That the commissioners of the district of West Philadelphia are hereby authorized and empowered to pebble, pave, and curb the following streets or roads to the western boundary of the district, to wit: The Lancaster turnpike, Washington street or West Chester road, the Darby road, and the Baltimore or Delaware county turnpike, and to assess the costs and charges thereof against the respective properties fronting on said streets or roads, and to file liens therefor, in the same manner as provided by law for the paving and curbing of other portions of said district.

To pave and curb streets.

SECTION 10. That the president and managers of the Delaware County turnpike road company, be and they are hereby authorized to transfer to the district of West Philadelphia all that part of their road which lies between the eastern termination thereof at Chesnut street and the middle of Mill creek, upon such terms and conditions as may be agreed upon between the commissioners of said district and the president and managers of said company.

Del. co. turnpike company, transfer.

SECTION 11. That after such agreement shall have been entered into, and a transfer of said portion of road, or any part of it, made in pursuance thereof to the said district of West Philadelphia, all the corporate privileges of said company in, over, or in respect to said portion of their road, shall cease and determine, and the said company shall be released from all responsibilities and liabilities for keeping the same in repair, or for any other matters relating thereto: *Provided*, That from and after said transfer, the said portion or portions of road so transferred shall become one of the public streets of said district, and the corporation thereof shall keep and maintain the same in as good repair as the said company are bound to do under their act of incorporation; and for any neglect or failure so to do, the said district shall be answerable to the said company in damages arising therefrom; a copy of said agreement shall be filed in the court of quarter sessions of the city and county of Philadelphia, within thirty days after it shall have been signed.

Corporate privileges to cease.

Proviso.

SECTION 12. That so much of the capital stock of said turnpike road company as was specifically subscribed for the construction of that part of said road which lies between the Woodland Cemetery gates and the intersection of Chesnut street, shall become extinguished upon repayment to the holders thereof the par value of such stock.

Capital stock, to be extinguished.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON.

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 274.

AN ACT

To incorporate the Saint John's Evangelical Lutheran congregation of the borough of Pine Grove, in the county of Schuylkill; relative to the estate of James C. Fisher, deceased; changing the place of holding elections in Rush township, Schuylkill county; relative to the real estate of Graham M'Camant, deceased, in Huntingdon and Centre counties; to the sale of St. Paul's Lutheran church in Chester county; and to extend the time for commencing a plank road in Indiana county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Corporation.

Style.

Privileges.

Proviso.

Trustees.

Management
and control.

the members of the Saint John's Evangelical Lutheran congregation of the borough of Pine Grove and vicinity, in the county of Schuylkill, are hereby constituted a body corporate, in deed and in law, under the name and title of "The Saint John's Evangelical Lutheran church of Pine Grove," to have perpetual succession in said name, and to be able to sue and be sued, to plead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and in equity to take, receive and hold, for the use of said church, lands and tenements, goods and chattels, of whatever kind, real, personal or mixed, which are now or which may at any time hereafter become the property of said congregation, by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person or persons whomsoever capable of making the same, and to grant, bargain, sell, mortgage, improve and dispose of the same, as they may deem best for the interests of said congregation: *Provided*, That the yearly value or income of the real and personal estate of said congregation, shall not at any time exceed three thousand dollars, and shall not be appropriated to any other than religious or benevolent purposes.

SECTION 2. That the business of said corporation shall be conducted by a board of three trustees, who shall be elected by the congregation, to serve for a term of three years, and one secretary, who shall be appointed by said board of trustees, and until others are elected the following persons, to wit: Peter Filbert, William Graeff and Henry Umbehour, junior, shall be and are hereby empowered to be said board of trustees; if any vacancy shall occur in said board of trustees by death or otherwise, the remaining trustees may appoint another suitable person to fill such vacancy until the next election, and if the members of said congregation shall fail to hold their election regularly at the expiration of the term of office for which the said trustees were elected, the said corporation shall not be dissolved thereby, but a majority of the trustees may appoint any subsequent day on which the election may be held.

SECTION 3. That the said board of trustees shall have the management and control of all the secular and pecuniary affairs of said congregation; they shall hold in trust during the legal tenure of their office, all the title deeds of the church; they shall have under their charge and care the church building, the parsonage, and all other property belonging to the congregation, and shall exercise a general supervision over all its temporal concerns.

SECTION 4. That the aforesaid board of trustees and secretary, together with the pastor, elders and deacons of the congregation, and their successors respectively, shall constitute the church council of the said "The Saint John's Evangelical Lutheran church of Pine Grove," and shall have full power to enact and enforce such by-laws and ordinances as they may deem proper for the regulation and government of said congregation, in accordance with the formula of government and discipline of the general synod of the Evangelical Lutheran church of America: *Provided*, That the said by-laws and ordinances shall not be inconsistent with the Constitution and laws of this State or of the United States.

Powers.

Proviso.

SECTION 5. That no misnomer of the aforesaid corporation shall forfeit or annul any gift, grant, conveyance, assurance, devise or bequest, when the intent of the party or parties making the same shall sufficiently appear upon the face thereof, whereby any estate, property, assurance or interest, was intended to be conveyed to said corporation.

Misnomer.

WHEREAS, By the fifth section of an act passed on the third day of May, Anno Domini one thousand eight hundred and fifty-two, entitled "An Act authorizing the erection of a school house in Southampton township, Bucks county," and for other purposes, and by the sixth section of an act passed on the fourth day of May, Anno Domini one thousand eight hundred and fifty-two, entitled "An Act to charter the Darby and Upper Darby plank road company," and for other purposes, certain powers were conferred upon the trustees for the grand-daughters of James C. Fisher, deceased:

Preamble.

And whereas, Some errors occurred in the transcribing or printing the said sections, whereby the intention of the Legislature was not clearly expressed and may be misapprehended; therefore,

SECTION 6. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it is hereby declared and enacted, that it is the true intention and meaning of the said sections, and of each of them, that the said trustees should be and they were thereby empowered to unite with the other owners of undivided shares of the said estate in the alteration of existing buildings, and in the erection of new or other buildings, upon vacant lots or spaces of ground belonging to the said estate, and in the first proviso to the fifth section of the said act of the third day of May, one thousand eight hundred and fifty-two, the word "recovered" is hereby declared to mean "received," and that the said clause shall be so construed and applied, but the said sections shall in all other respects and parts continue and be in force.

How to be construed.

SECTION 7. That it shall be lawful for the trustees of the grand-daughters of James C. Fisher, deceased, respectively to invest any of the personal property or money of their respective trusts in the purchase of real estate, which shall be held upon the trusts of the will of the said James C. Fisher, and all purchases of real estate heretofore made by the said trustees, or either of them, with the money of the trust, are hereby ratified and confirmed, and in respect to the said real estate so purchased, or that may be purchased, the said trustees shall have the same powers of sale and disposition as have been conferred by the acts of Assembly heretofore passed in respect to the real estate devised by the said James C. Fisher in trust for his grand-daughters, or either of them.

Trustees of grand-daughter of Jas. C. Fisher, powers of.

SECTION 8. That the qualified voters of Rush township, Schuylkill county, entitled to vote at the general and township elections, are hereby allowed and empowered to vote at the time and place of voting for

Rush tp., Schuylkill co.,

township officers in March, one thousand eight hundred and fifty-four, to decide by ballot at what place the general and township elections shall thereafter be held, and a majority of all the votes polled shall be deemed necessary to decide said place of election.

Borough of
Butler.

SECTION 9. That the qualified voters of the borough of Butler, shall hereafter hold their general and borough elections at the house of Jacob Mechling, junior, in said borough.

North Butler tp.
Butler county.

SECTION 10. That the qualified electors of North Butler township, Butler county, shall hereafter hold their general and township elections at school house number one in said township.

Taylor tp.,
Lawrence co.

SECTION 11. That the qualified voters of Taylor township, in the county of Lawrence, may hold their township election on Tuesday, the third day of May, one thousand eight hundred and fifty-three, for this present year.

Administrators
of G. McCam-
ant, to sell real
estate.

SECTION 12. That John Owens and Martin Bell, administrators of the estate of Graham McCamant, late of the township of Antes, in the county of Blair, deceased, be and they, or either of them, in case of death or discharge as administrators, or their successor or successors in office, are hereby authorized and empowered to sell at public sale and convey in fee simple, in conjunction with the other owners of the hereinafter mentioned real estate, or with any of them, as may seem best for the interest of the estate of said deceased, all of the undivided right, title and interest of the said Graham McCamant at the time of his death of, in and to any and all lands, tenements and hereditaments situate, lying and being in the counties of Centre and Huntingdon, and to make and execute and deliver to the purchaser or purchasers thereof, good and sufficient deed or deeds of conveyance for the same in fee simple, which said conveyance shall vest in said purchaser or purchasers thereof, all the estate, right, title and interest in law and in equity, which the said Graham McCamant at and immediately before his death had and held in the same, as fully and effectually as if the said deed or deeds of conveyance had been made and executed by the said Graham McCamant in his life-time, the moneys arising from such sale or sales, after deducting all costs, charges and expenses, shall be appropriated by the said administrators, or some of them, as aforesaid, to the payment of the debts and liabilities owing by the estate of said Graham McCamant, deceased, and the surplus, if any, after the payment of the same, shall be accounted for by said administrators, or either of them, or their successors aforesaid, in the same way and manner of other moneys coming into their hands of said estate: *Provided*, That the said administrators, or either of them, or their successor or successors in office, before making such sale or sales, shall give bond to the Commonwealth, with such security or securities, and in such penalties, as the orphans' court of said respective counties within which said lands lie shall direct, conditioned for the faithful application of said purchase money and performance of the duties and trusts therein mentioned: *And provided also*, That the said sale or sales be approved by the orphans' court of the counties aforesaid.

Proviso.

Preamble.

WHEREAS, Peter Archer and wife, and Peter Stiteler, now deceased, by their respective deeds dated the eleventh day of May, in the year of our Lord one thousand eight hundred and thirty-eight, did grant in fee to Moses Hartman and Elias Oberholtzer, trustees on behalf of the Lutheran Congregation worshipping at St. Pauls' Church, in Uwchlan township, Chester county, and John Stiteler and John Davis, trustees of the German Reformed Congregation worshipping at the same church, two certain adjoining lots or pieces of land situated in the township aforesaid, containing together one hundred and thirty-nine

perches, more or less, with the appurtenances, in trust nevertheless that the said lots or pieces of land should be appropriated as a place to build a house for the congregation aforesaid to meet in and perform divine worship, for the purpose of a burial ground, as a place for the congregations aforesaid to stand their vehicles and horses upon when attending divine worship, and for other purposes relative to the business and convenience of the said congregations, and for the accommodation thereof, and for no other use, intent or purpose whatsoever :

And whereas, The said congregations, having erected a church edifice and other buildings for their convenience on said lots, having found that it will be for their interest, convenience and comfort to worship in different houses, and the said Lutheran Congregation having contracted to sell to the said German Reformed Congregation their moiety or one-half part of the aforesaid lots of land, and the buildings thereon erected, and the said trustees, the said Peter Archer, and all the heirs at law of the said Peter Stiteler, deceased, desire that a law may be passed perfecting and confirming said contract of sale ; therefore,

SECTION 13. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Moses Hartman and Elias Oberholtzer, trustees aforesaid, of the Lutheran congregation, or their successors, be and they are hereby authorized and empowered to grant, release and confirm in fee simple, to the said John Davis and John Stiteler, trustees aforesaid, or their successors, (chosen in the manner provided in the above mentioned deeds,) the only moiety or half-part of the aforesaid lots of land, with the buildings thereon erected, and to execute and deliver to the said John Davis and John Stiteler, trustees aforesaid, or their successors, the necessary deeds or other assurances therefor, the said John Davis and John Stiteler, trustees aforesaid, or their successors, first paying to the said Moses Hartman and Elias Oberholtzer the purchase money for the same.

SECTION 14. That upon the conveyance as aforesaid, of the said moiety or half part of the said lots, with the appurtenances, the said John Davis and John Stiteler, and their successors, shall hold the same exclusively for the said German Reformed Congregation in trust, nevertheless, for the uses, intents and purposes specified and set out in the aforesaid deeds, and for no other uses, intents and purposes whatsoever.

SECTION 15. That the said Moses Hartman and Elias Oberholtzer, trustees aforesaid, or their successors, shall apply and appropriate the purchase money of the aforesaid moiety or half part of said lots, in and towards the purchase of other lands, and the erecting of buildings thereon, to be held in trust exclusively for said Lutheran congregation, for the uses and intents and purposes in said deeds mentioned, and for no other use, intents and purposes whatever : *Provided,* That before said trustees shall make a conveyance of said estate in pursuance of this act, they shall give bond, to the satisfaction of the court of common pleas of Chester county, for the faithful appropriation of the proceeds of said sale.

SECTION 16. That the time for commencing the construction of the Indiana and Cherry Tree plank road company, be and the same is hereby extended for a period of three years from the third day of May, one thousand eight hundred and fifty-three, and that the names of Thomas White, James Sutton, and John Shryack, be added to the list

of commissioners mentioned in the act incorporating the said Indiana and Cherry Tree plank road company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 275.

A FURTHER SUPPLEMENT

To an act entitled “An Act to incorporate the York and Maryland Line Railroad.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the York and Maryland Line railroad company be and they are hereby authorized to lay down an additional track between the Maryland line and the borough of York, to improve their present track and their road bed, and to change its location at such points as shall by the president and managers, or a majority of them, be deemed essential to the interests of the company, to increase their side track, depots and bridges, and to make such other improvements along the line of their road, or at its termini, as to them may seem necessary.

Additional
track.

Authorized to
borrow money.

SECTION 2. That for the purposes recited in section one of this act, the said York and Maryland Line railroad company are hereby authorized and empowered to borrow, on such terms as the president and directors of said company, or a majority of them, may deem advisable, any sum not exceeding in the aggregate the sum of five hundred thousand dollars, and the said president and directors, or a majority of them, are authorized and empowered to pledge the tolls and other property of said company, acquired and to be acquired, for the security and redemption of the principal and interest of the loan hereby authorized: *Provided* That no bonds issued in accordance with the provisions of this act shall be for a less denomination than one hundred dollars.

Proviso.

Powers.

SECTION 3. That the said York and Maryland Line railroad company, in carrying out the provisions of this act, shall have and exercise all the powers conferred for the purpose of originally constructing said road by the act which incorporated the said company, and the supplements thereto.

SECTION 4. That all acts of the General Assembly inconsistent Repeal. herewith, in so far as they are so inconsistent, be and the same are hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.
 THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 276.

SUPPLEMENT

To an act to incorporate the village of Petersburg, in the county of Perry, into a borough, approved the twelfth day of March, one thousand eight hundred and forty-four; and providing for the review of a certain State road in Perry county; relative to supervisors in Oliver and Miller townships; and to hawkers and pedlers in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Borough of the qualified voters of the borough of Petersburg, in the county of Petersburg. Perry, on the third Friday in May, one thousand eight hundred and fifty-three, and annually thereafter, on the day fixed by-law for the election of borough officers, shall elect one assessor, two assistant as- To elect certain sors, and one supervisor, and it shall be the duty of the county officers. commissioners annually to appoint a suitable person to collect the state and county taxes of said borough.

SECTION 2. That the high constable of said borough shall be sub-High constable. ject to the laws regulating the duties of township constables, and so much of the act incorporating said borough as is hereby altered or supplied, be and the same is hereby repealed.

SECTION 3. That Alexander Gaily, James Stevens, and Andrew J. Commissioners Jones, of Perry county, be and they are hereby appointed commis- to review a sioners to review all that part of the Loysville and Liverpool State State road. road as lies between the Bloomfield road, near Kibler's barn and the Gap in the Buffalo mountain, near widow Marshall's; said commissioners shall have power to change the location of the whole or any part of said road, and to vacate such parts as shall be supplied; they shall be sworn or affirmed before entering upon the performance of their duties, and shall have power to appoint one surveyor, two chain-carriers and one axe-man; said commissioners shall each receive one dollar and fifty cents per day for each day engaged; the surveyor shall receive two dollars, and the chain-men and axe-man one dollar for each day engaged, to be paid out of the county treasury.

SECTION 4. That the sixth section of the act entitled "An Act to Repeal. incorporate the Tioga and Elmira plank road company; relative to

roads in Oliver and Miller townships, in Perry county, and for other purposes," approved the twenty-seventh day of April, one thousand eight hundred and fifty-two, be and the same is hereby repealed.

Repeal.

SECTION 5. That the sixth section of the act entitled "A supplement to an act entitled 'An Act to incorporate the Montgomery Mining company, et cetera, and to hawkers and pedlars in Perry county, and for other purposes,'" be and the same is hereby repealed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 277.

AN ACT

To incorporate the Freedom and Sarah Furnace Plank Road company; extending the act relative to the Coroners of Berks and Lancaster counties, to the county of Blair; relative to the Mountain Female Seminary; and to the nineteenth election district in the county of Huntingdon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Peter Shoenberger, William Brooke, Edward M. Graw, Rudolph Spong, Martin Lingafelter, John Bennett, L. S. Moore, Joseph M'Cormick, Levi Leamer, John G. Lingafelter, John Ake, Gideon Trout, and Paul Mauck, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name, style and title of the "Freedom and Sarah Furnace plank road company," to locate and construct a plank road from the terminus of the Hollidaysburg plank road, near Leamer's tavern, or from a point at the terminus of the Bedford turnpike road, as said company may determine, to a point opposite Sarah Furnace, in the county of Blair, subject to all the provisions and restrictions regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are not inconsistent with this and the following sections in this act.

Name & style

SECTION 2. That the capital stock of said company shall consist of five thousand shares, of twenty-five dollars per share: *Provided, That* the said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their judgment may be required to complete the same according to the true intent and meaning of this act.

Capital stock.

SECTION 3. That if the said company shall not commence the construction of said road within four years from the passage of this act, and complete the same within ten years thereafter, this act shall become null and void, except so far as to wind up the affairs of said company and pay the debts of the same. When to commence and complete.

SECTION 4. That the act entitled "An Act relative to the Coroners Act extended to of Berks and Lancaster counties," approved the eighth day of February, one thousand eight hundred and forty-eight, be and the same is hereby extended to the county of Blair. Blair co.

SECTION 5. That the stockholders of the Birmingham Female seminary, in the county of Huntingdon, shall hold an election in said seminary on the first day of July, one thousand eight hundred and fifty-three, between the hours of three o'clock and five o'clock in the afternoon of said day, which said election shall be conducted according to the directions given for such elections in the act of incorporation of said seminary, except so far as may be herein altered, and elect four additional trustees for said seminary, who shall act in conjunction with the trustees now in office, and also one person to act as secretary and treasurer, who shall not be a trustee, all of whom shall be stockholders in said seminary, and who shall hold their respective offices until the second Saturday in February, one thousand eight hundred and fifty-four, and until their successors are duly elected, and on said second Saturday in February one thousand eight hundred and fifty-four, and on said day thereafter, the said stockholders shall, at said seminary, elect seven trustees, and one person to act as secretary and treasurer, which said elections shall be held and conducted in conformity with the directions given in the act of incorporation, excepting each ticket for trustees shall be labelled on the outside thereof "Trustees of the Mountain Female seminary," and each ticket for the person for secretary and treasurer, shall be labelled "Secretary and Treasurer of the Mountain Female seminary." Birmingham Female Seminary.
Additional trustees.
Secretary and treasurer.

SECTION 6. That the said secretary and treasurer shall at all proper times, being notified in writing for said purpose by a majority of said trustees, submit his account as treasurer to an auditor appointed by said trustees, for settlement, which said settlement shall be final, and also his account as treasurer and secretary, to said trustees and stockholders, or a majority of them, when called on for said purpose. Account.

SECTION 7. That said seminary shall hereafter be known and recognized by the name and title of the "Mountain Female seminary." Name.

SECTION 8. That the tract of land now owned by George and John H. Shoenberger, known as the Porter tract, be and the same is hereby annexed to and shall form a part of the nineteenth election district in the county of Huntingdon, and that the qualified voters they are now or may hereafter reside in said district, shall be entitled to vote at the general and township elections in the borough of Birmingham. Porter tract
Huntingdon co.,
place of voting changed.

SECTION 9. That the qualified voters of the nineteenth election district in the county of Huntingdon, are hereby authorized, at any general or township election held in said district, to change the place of holding their general, township and borough elections, from the present place of holding their elections to some more convenient place in the borough of Birmingham, and also from time to time thereafter to change the same to any other place in said borough, by a majority of the votes of said qualified voters within said district, being in favor of such change at any such election, notice of such change being first made known by the constable of said borough, by at least four advertisements being put at the most public places in said district at least ten days before any such election. 19th district
Huntingdon co.,
may change
place of
elections.

Repeal.

SECTION 10. That so much of said act of incorporation as is hereby altered and supplied, is hereby repealed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 278.

A N A C T

To incorporate the Clarksville and Big Bend Plank Road company; relative to the Mercer and Meadville Turnpike Road company; and authorizing Geo. Bressler, guardian, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Albert G. Hart, J. C. Herrington, Charles R. Bell, Joseph M'Clure, William Maskrey, Charles Koonce, Jonathan Frampton, Robert Flint, John L. King, Henry Barnhart, and James Trimble, or any five of them, are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name, style, and title of "The Clarksville and Big Bend Plank Road company," to locate and construct a plank road from the Big Bend of the Chenango, at the termination of the Mercer and Chenango plank road, to the borough of Clarksville, in the county of Mercer, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty nine, and the supplements thereto, so far as the same are not inconsistent with the following sections.

Commissioners.

Style.

Location.

Subject to provisions and restrictions of certain act.

Capital stock. Proviso.

SECTION 2. That the capital stock of said company shall consist of one thousand shares, at twenty-five dollars per share: *Provided*, That the said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete said road according to the true intent and meaning of said act.

Commencement and completion of road.

SECTION 3. That if the said company shall not commence the construction of said road within two years, and complete the same within five years, this act shall be null and void, except so far as may be necessary to settle the affairs of the company.

Mercer and Meadville turnpike company.

SECTION 4. That the Mercer and Meadville turnpike road company are hereby authorized to lay plank on the whole or any portion of their road, and whenever the said company shall have completed the plank-ing of any three miles of the said road, they are authorized to erect gates and charge tolls, and such portions of the said road shall be con-

structed, finished and managed under the provisions, restrictions and Tolls. conditions of the act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are applicable, and the said turnpike road company may, if found necessary, open books and receive subscriptions, at the time, place, and with the notice to be signed by the president and managers, for new stock in said company, to such an amount as the said president and managers may from time to time deem necessary, and the stock so taken shall be applied exclusively to planking the said road, and such new stock shall receive dividends, should such be declared, to an amount not exceeding five per cent. before any dividends shall be declared upon the old stock of said company: *Provided*, That nothing herein shall authorize the said company to charge any other than the present rates of toll on such portions of their road as shall not be planked. New stock. Proviso.

SECTION 5. That George Bressler, guardian of Huston Bressler and Charlotte Bressler, is hereby authorized to sell and convey, by public sale, all the right, title and interest of his said wards in and to certain town lots in and adjoining the towns of Flemington and Mill Hall, in Clinton county, and to make deeds to the purchaser or purchasers thereof in fee simple: *Provided*, That said guardian shall, previous to said sale or sales, file in the orphans' court of Clinton county a bond, to be approved by said court, conditioned for the faithful application of the proceeds of the sales of said lots. Geo. Bressler, guardian, authorized to sell real estate.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D. one thousand eight and fifty-three.

WM. BIGLER.

No. 279.

AN ACT

Authorizing the Canal Commissioners to examine the claim of Messrs. Dentler and Piper, for damages sustained on the Susquehanna Canal; relative to the bank of Chambersburg; and to tax on beer and eating-house licences in Carbon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the Canal Commissioners are authorized to examine the claim of Messrs. Dentler and Piper, for damages done by the sinking of a boat at McKissick's lock, in the county of Dauphin, on the Pennsylvania canal, Dentler and Piper, claim.

and report the same to the Legislature as soon as practicable *Provided*, That no damages shall be allowed except for the actual loss, deducting the value of the damaged goods, and no item of damage shall be allowed unless the same shall be clearly established by affidavit.

Bank of Chambersburg, increase of capital.

SECTION 2. That the stockholders of the bank of Chambersburg, or those holding a majority of said stock, shall have the privilege of restoring the capital to what it was prior to the reduction of the same under the provisions of the act of the twenty-sixth day of March, A. D. one thousand eight hundred and forty-six, authorizing the president and directors of said bank to reduce the capital stock.

Treasurer of Carbon co., authorized to increase certain licenses.

SECTION 3. That from and after the passage of this act, it shall be lawful for the treasurer of the county of Carbon, in making out licences for all beer houses and eating houses in said county, to add to every such license the sum of thirty-seven and one-half cents to the amount of such license, and collect the same from the keepers of said beer and eating houses, as the compensation due the mercantile appraiser in each case, and so much of the twenty-third section of the act of tenth April, one thousand eight hundred and forty-nine, entitled "An Act to create a sinking fund," &c., be and the same is hereby repealed so far as relates to the county of Carbon.

Repeal.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 280.

AN ACT

To incorporate the Plymouth and Upper Dublin Turnpike Road company; conferring chancery powers on the court of Montgomery county; to taxing dogs in Conshohocken; and relative to the Greenlane and Goshenhoppen Turnpike company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners. Alan W. Carson, Daniel H. Mulvany, Charles Thomas, Doctor Edwin C. Leedom, George Corson, Abraham Marple, Elias H. Corson, David Marple, Samuel Freas, Robert Heysham, Jonathan Dewees, Henry Johnson, William Torns, John Schlater, Frederick Nuss, Samuel Haupt, John Hobensack, Jacob L. Rex, Emanuel C. Wentz, Rees Conard, John Kibblehouse, George Werstner, Thomas Coar, Albert Werstner, William H. Slingluff, Augustus Sheaff, Joseph Reiff, Enos L. Reiff, James Rutter, Isaac Thomas, and Silas Shoemaker, or any seven of them, are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name, style and

Style.

title of "The Plymouth and Upper Dublin Turnpike Road company," with power to locate and construct a turnpike road, commencing at ^{Location.} Plymouth meeting, in Montgomery county, and continuing on or near the bed of the road, by the best and most practicable route, by way of the Broad-axe to the Bethlehem turnpike road, so called, at the commencement of the Lewisville and Prospectville turnpike road, in the township of Upper Dublin, in said county, subject to all the provisions ^{Subject to pro-} and restrictions of an act regulating turnpike and plank road com- ^{visions and re-} panies, approved on the twenty-sixth day of January, Anno Domini ^{strictions of cer-} one thousand eight hundred and forty-nine, and the several supple- ^{tain act.} ments thereto, so far as the same are not inconsistent with this and the subsequent sections of this act.

SECTION 2. That the capital stock of this company shall consist of ^{Capital stock.} five hundred shares, of twenty-five dollars each.

SECTION 3. That the grade of said road shall in no place exceed ^{Grade and} three degrees from a horizontal line, and the said company shall not ^{route.} be restricted to the bed of the present road between the points named, but may alter and change the present road wherever they may deem it best.

SECTION 4. That if the said company shall not commence the con- ^{When to be} struction of the said road within three years after the passage of this ^{commenced and} act, and shall not complete the same within five years, this act shall be ^{completed.} null and void, except so far as is necessary to settle the affairs of the company, except between Plymouth and the Broad-axe, on which they shall follow the present road, being the dividing line between the townships of Plymouth, Whitpain and Whitemarsh.

SECTION 5. That the supervisors of the highways of the townships ^{Supervisors of} of Whitemarsh, Plymouth, Whitpain, and Upper Dublin, shall, in ad- ^{certain town-} dition to the powers vested in them by the act of Assembly approved ^{ships authorized} April the fifth, Anno Domini one thousand eight hundred and forty- ^{to borrow mo-} two, authorizing subscriptions to be made to turnpike roads, be further ^{ney.} authorized and empowered to borrow money to pay the instalments on the stock so subscribed, and to issue certificates for the same, bearing an interest not exceeding six per cent. per annum, and payable at any time not exceeding ten years, which certificate shall be binding on said townships, and if said road shall be laid out on the line dividing any of said townships, the said supervisors are hereby as fully authorized to subscribe for stock in said turnpike as if the same were laid out wholly in such township, or either of them.

SECTION 6. That the court of common pleas of Montgomery county, ^{Montgomery} in addition to the powers heretofore conferred, shall have the same ^{co., chancery} chancery powers and jurisdictions which are now by law vested in ^{powers.} the courts of common pleas of Philadelphia county.

SECTION 7. That the assessors of the borough of Conshohocken, in ^{Conshohocken,} the county of Montgomery, shall annually, when taking the names of ^{Montgomery} the taxable inhabitants of said borough, take an accurate account of ^{co., dog tax.} all dogs upwards of one month of age, male or female, owned, possessed, or kept by any person or persons within said borough, and furnish the same to the auditors thereof, whereupon the said auditors shall levy and cause to be collected annually, by the collector of borough and other taxes, who is hereby invested with like authority and power to collect said tax on dogs as are the collectors of township rates and levies, from every person owning, possessing or keeping one dog, the sum of one dollar; from every person owning more than one dog two dollars for the second, and doubling the amount for each additional dog; for one female dog two dollars, and double the amount for each addi-

tional female dog; which tax shall be paid to the treasurer of said borough, to be applied to common school purposes in said borough.

Greenlane turn-
pike co., &c.,
tolls.

SECTION 8. That the Greenlane and Goshenhoppen turnpike road company, are hereby authorized to demand and receive toll of all persons travelling on or over their road, excepting from persons passing in funeral processions.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 281.

AN ACT

To authorize the Sunbury and Erie Railroad company to borrow money.

Sunbury and
Erie railroad
company, power
to borrow mo-
ney.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That to enable the Sunbury and Erie Railroad company to complete and equip their road, the said company shall have authority to borrow any sum or sums of money not exceeding four millions of dollars, on the bonds of the said company, secured by mortgage of the whole or part of their property and estate, real and personal, and the corporate franchises thereto belonging, upon such rates of interest as may be agreed upon, and the said company are authorized to sell and dispose of the said bonds within or beyond this Commonwealth, at such rates above or below par as may be agreed upon between the parties, and such sale shall be as valid as if sold at par: *Provided,* That no bond shall be issued by said company for a less sum than one hundred dollars: *And provided further,* That the said bonds may be made convertible into the stock of the said company at par, which stock the said company are authorized to issue when required.

Proviso.

Duty.

SECTION 2. That it shall be the duty of said company to terminate their road at the harbor of Erie.

Increase of
capital stock.

SECTION 3. That the said Sunbury and Erie railroad company be and they are hereby authorized to increase their capital stock two millions of dollars in addition to that now authorized by law.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 282.

A N A C T

To incorporate the Danowsky Gas company, of the borough of Allentown; authorizing the German Reformed Congregation of Allentown to sell real estate; to tolls on the Ridge Turnpike; changing the venue of a certain case from Philadelphia to Lehigh county; authorizing several German Reformed Congregations in Northampton county to sell real estate.

SECTION 6. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William F. Danowsky, and those with whom he may associate himself, **Commissioners.** their associates and successors, be and the same are hereby made and constituted a body politic and corporate, by the name and style of "The Danowsky Gas company," and by said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, in all courts and **Powers.** judicatories whatever, and also of contracting and being contracted with relative to the business and objects of said corporation, as herein-after declared, and they and their successors may have a common seal, **Seal.** and may change and alter the same at pleasure, and shall have power to lease or purchase, in fee simple or otherwise, such real estate as may **May hold real** be necessary for carrying on the business of said corporation, and in **estate.** their corporate name to make and execute obligations for the liabilities created in the transaction of the said business of the corporation, and for none other.

SECTION 2. That the said corporation shall have a right to supply **May erect build-** with gas light the borough of Allentown, in the county of Lehigh, and **ings, &c., and** such persons, partnerships and corporations residing therein as may **lay pipes.** desire the same, at such price as may be agreed on, not exceeding the average price charged in the city of Reading and the borough of Easton, in Pennsylvania, and also to make and erect within said borough the necessary buildings, machinery and apparatus for manufacturing and distributing the same, and with the assent of the corporation of Allentown, the right to enter upon any public street, lane, alley or highway, for the purpose of laying down, altering, inspecting and repairing the same, doing as little damage to said streets, lanes, alleys and highways, and impairing the free use thereof, as little as possible.

SECTION 3. That the capital stock of said corporation shall not at **Capital stock.** any time exceed the sum of thirty thousand dollars, to be divided into shares of one hundred dollars each, and may be increased from time to time within said limit, as the directors thereof shall deem necessary, for all which said stock certificates shall be issued, signed by the president, countersigned by the secretary, and sealed with the common seal of said corporation, which certificates shall be transferable at pleasure, by the owner thereof, or by attorney duly authorized for that purpose, in the presence of the president or secretary, in a book to be kept for that purpose by said corporation.

SECTION 4. That the management and control of said corporation **Managers.** shall be vested in the persons named in the first section of the act, until the first Monday in May next ensuing the organization of the

- company, at which time the stockholders shall meet, at such place as they shall determine upon, and elect from among their number three managers, to serve for one year and until their successors shall be duly elected, which shall be annually on the first Monday in May; said
- Officers.** managers shall have power to select a president, a secretary, and a treasurer, to serve for the same term, and the manner of conducting said elections shall be prescribed in the by-laws of said corporation, and at all elections the stockholders shall be entitled to one vote for each share bona fide held and owned by him at the time of holding said election.
- By-laws.** SECTION 5. That the board of managers of this corporation shall have power to make by-laws, not inconsistent with the laws of this Commonwealth, and shall keep minutes of all their proceedings, which shall at all proper times be open to the inspection of the stockholders, and do all such acts and things for the proper regulation and government of the corporation as they may deem necessary; they shall have
- Dividends.** power to declare dividends of so much of the net profits of the corporation as shall appear to them advisable, on the first Monday in January of each year, which shall be paid to the stockholders on demand, ten days after the same shall have been declared.
- Penalty for certain abuses.** SECTION 6. That if any person or persons shall open a communication into the gas-main or other gas-pipes of said company without authority from the proper officer thereof, or shall let on the gas after it has been stopped by order of the company or its authorized agent, or use any gas without drawing it through the metres put up for the purpose of measuring the same, or shall put up any pipes or burners without having the same inspected and approved by the proper officer of the company, or refuse to permit the proper officer of the corporation, at proper times, and under proper circumstances, to inspect the pipes, metre, burners, et cetera, put up in any building for the use of their gas, and used for that purpose, he, she or they so offending, shall be subject to a penalty of not less than five nor more than fifty dollars, to be recovered before any justice of the peace, one-half to be paid to the informer, and the other half to the borough of Allentown, for the use of said borough.
- Injuries to property of company, a misdemeanor.** SECTION 7. That if any person shall wilfully or maliciously do or cause to be done, any act or acts whatever whereby any building, construction, works, gas pipes, gas post, burner, or any other matter or thing appertaining to the same, shall be obstructed, injured, or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, and may be thereof indicted in the court of quarter
- How punished.** sessions of the county of Lehigh, and on conviction, shall be punished by fine, not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That
- Proviso.** said criminal prosecution shall not in any way impair the right of said company to a full compensation in damages in a civil suit or actions.
- To repair streets &c.** SECTION 8. That said company shall, without unnecessary delay, refit, repair and restore to good and safe condition all openings made in any of the streets, lanes and highways of the said borough, occasioned by the laying, refitting or examining their pipes, or for any other purpose, at the expenses of said company, and to the satisfaction of the street commissioners of said borough, and on failure to do, shall forfeit and pay to and for the use of the borough, with full costs, such a sum of money as may be necessarily expended by the street commissioners in refitting and restoring the same, and the said company shall furnish all gas required or used for lighting up any or all of the streets,

alleys or squares of said borough, at a deduction of five per cent. from the rates charged to property holders and others by said company.

SECTION 9. That it shall not be lawful for the said company to stop off the gas from any consumer, except for the purpose of repairs or unavoidable accident, who is willing to pay, and who tenders the amount due to the company by said consumer for gas already consumed, according to the established rates, under the penalty of five dollars, to be recovered for the use of the person injured, as debts of like amount are by law recoverable: *Provided nevertheless*, That said company shall not be required to lay down pipes for conveying gas to any portion of said borough, unless in the opinion of the directors such portion contains a sufficient number of consumers to warrant the expenses: *And provided, also*, That this act shall not exempt the said gas company from the provisions of the common law and borough ordinances against nuisances.

Penalty for refusal to furnish gas.

Proviso.

Proviso.

SECTION 10. That the trustee of the German Reformed Congregation of the borough of Allentown, in the county of Lehigh, in the State of Pennsylvania, be and he is hereby authorized to sell at public sale, in parcels or entire, and to convey in fee simple to the purchaser or purchasers, on payment of the purchase money, all that the following described two story frame dwelling house and lot of ground situate on the west side of Allen street, in the said borough, bounded on the south by a lot of Charles Saeger, on the west by a public alley, on the north by a lot late of George Shaffer, deceased, and on the east by said Allen street, extending in front on said Allen street sixty feet, and in depth two hundred and thirty feet, and the said purchaser or purchasers shall hold the property purchased clear of the trust to which the same is now subject, and shall not be bound to see the application of the proceeds of sale: *Provided*, That the said proceeds of sale shall be held by the said trustee and his successor in office, and by the said congregation, subject to the said trusts, as fully as the said premises are now subject to the same.

Trustee of the German Reformed congregation of Allentown, Lehigh co., authorized to sell a house and lot.

Proviso.

SECTION 11. That so much of the proviso in the first section of the act of Assembly passed on the twenty-seventh day of May, one thousand eight hundred and forty, as prohibited the Ridge turnpike company from continuing and maintaining any gate, turnpike, or toll-house within the limits of any borough in the county of Montgomery, and from taking tolls at the same, and all fines and penalties thereto attached, be and the same are hereby suspended for the space of one year from the date of the passage of this act.

First section of act relative to Ridge turnpike co., suspended.

SECTION 12. That a certain action now pending in the district court for the city and county of Philadelphia, of June term one thousand eight hundred and fifty-two, number five hundred and five, wherein one Andrew K. Whitman is plaintiff and one James W. Wilson is defendant, be and the same is hereby removed and transferred to the court of common pleas of Lehigh county, to be there tried at one of the regular terms of said courts, in the same manner as if it had been originally instituted in the last named county, and the record in said action shall be certified by the said district court for the city and county of Philadelphia, to the said court of common pleas of Lehigh county, for trial aforesaid, and on final judgment, such writs of execution shall be issued as may be necessary to carry the same into full effect.

Action between A. K. Whitman and Jas. W. Wilson, removed to Lehigh county.

WHEREAS, John Penn and Richard Penn, did by deed bearing date the thirty-first day of May, one thousand eight hundred and two, grant and convey, for the consideration therein named, lot number fifty-seven, in the borough of Easton, in the county of Northampton,

Preamble.

to Philip Odenwelder, trustee of the German Reformed congregation of Easton, in the county of Northampton; Jonas Hartzle, trustee of the German Reformed congregation of the Dryland or Nazareth township, and Henry Engle, trustee of the German Reformed congregation of Plainfield township, in said county of Northampton, to have and to hold the same in trust as and for a parsonage:

Preamble.

And whereas, The minister officiating in said congregation has lately deceased, and the said congregations have each a separate minister:

Preamble.

And whereas, The said congregations did offer the said property and lot at public sale in the month of September last, at which sale James McKeen being the highest bidder, the same was struck off to him at and for the sum of seven thousand dollars, for which consideration the said congregations, acting by committees duly appointed, did agree to make and execute to the said James McKeen a good and sufficient title on the first day of April next: therefore,

Certain congregations authorized to sell land.

SECTION 13. *Be it enacted, et cetera,* That the said German Reformed congregation of Easton, the German Reformed congregation of the Dryland or Nazareth township, and the German Reformed congregation of Plainfield, be and they are hereby authorized to sell and convey in fee simple, all the above described lot of land, number fifty-seven, in the said borough of Easton, to the said James McKeen, in fee simple, and for the said sum of seven thousand dollars, and the said purchaser shall hold the said property clear of the trust to which the same is now subject, and shall not be bound to see to the application of the proceeds of sale.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three

WM. BIGLER.

No. 283.

AN ACT

Supplementary to an act entitled "An Act relating to the elections of this Commonwealth," passed July second, one thousand eight hundred and thirty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the election of Senators to represent this State in the Senate of the United States, shall take place hereafter, in the manner provided in the act to which this is a supplement, on the second Tuesday of February.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 284.

A SUPPLEMENT

To an act to incorporate the Allegheny Coal company, passed the twenty-fifth day of May, one thousand eight hundred and thirty-nine; relative to tavern license in Bedford county; authorizing the committee of George Beisheim, a lunatic, to make a deed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the name, style and title of the Allegheny Coal company be changed, Name changed. and the same shall henceforth be entitled the "Union Coal company," and in which name the books for subscription to the capital stock thereof shall be opened, and the business of the company conducted.

SECTION 2. That the shares of stock of said company be reduced Shares reduced. from fifty dollars to twenty dollars per share, the capital stock remaining the same as heretofore, but the said company shall have power, if at any time it be deemed necessary, upon a vote of two-thirds of the stockholders being favorable thereto, to increase the capital stock of said company to an amount as they may deem advisable, not exceeding Increase of capital stock. in the aggregate five hundred thousand dollars, and thereupon direct and receive an additional subscription thereto: *Provided,* That said Proviso. company shall pay to the State Treasurer for the use of the Commonwealth, one per centum on the capital stock thereof, in four equal annual payments, the first whereof shall be paid within one year after the passage of this act.

SECTION 3. That the corporate privileges hereby granted shall continue in force until the first day of May, one thousand eight hundred and sixty-five, and such parts of the act to which this is a supplement as are hereby altered or supplied, be and the same are hereby repealed. Repeal.

SECTION 4. That from and after the first day of January, eighteen hundred and fifty-four, every person intending to apply for a tavern license in the county of Bedford, shall give public notice of the same, Tavern licenses, Bedford co., applications to be published. by at least three publications in one newspaper published in said county, which notice shall embrace the certificate required by the fourth section of the act passed on the eleventh day of March, one thousand eight hundred and thirty-four, entitled "An Act relating to inns and taverns, and retailers of vinous and spirituous liquors," the last of which publications shall be at least ten days before the first day of the term of the court to which the application shall be made.

SECTION 5. That John Gallaher and Jacob Shaffner, committee of George Beisheim, of Clearfield township, Butler county, Pennsylvania, Committee of Geo. Beisheim, authorized to convey real estate. a lunatic, be and they are hereby authorized to execute a deed in fee simple, and to convey to Christian Schwartz, of said township, county and State aforesaid, all that certain piece or parcel of land situate in Clearfield township, Butler county, Pennsylvania, being twenty acres at the west end of the farm of the said George Beisheim, by a line running north and south the breadth of said tract, bounded on the north by John Reap, east by part of same tract with said Schwartz, and west by Peter Birchbeezler, according to an article of agreement between the said Christian Schwartz and George Beisheim, dated December eighth, one thousand eight hundred and fifty-one, and recorded

in the office for recording deeds, et cetera, in and for said county, in deed book one, page one hundred and ninety-five, and one hundred and ninety-six, on the payment of the purchase money yet due and unpaid to them by the said Christian Schwartz.

Committee to
give bond.

SECTION 6. That the purchase money arising therefrom shall be under the control of the court of common pleas, by virtue of the appointment and commission to the said John Gallaher and Jacob Shaffner, committee as aforesaid, and before the execution of the said deed and the reception of the said unpaid purchase money, the said committee shall execute and file in the court of common pleas of Butler county a bond, with surety, to be approved by said court, conditioned for the just and true application of any money that may come into their hands under the provisions of this act.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 285.

A FURTHER SUPPLEMENT

To an act incorporating the Williamsport and Elmira Railroad company; and relative to taxing dogs in Franklin township, Chester county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in any election of managers, the Williamsport and Elmira railroad company, by the stockholders therein, the previous public notice required by the charter or supplements thereto shall be deemed sufficient if made in two daily newspapers published in the city of Philadelphia.

Election of
managers, no-
tices of, how
published.

Number of
managers.

SECTION 2. That hereafter the number of managers or directors of said company shall be seven, a majority of which number shall constitute a quorum for the transaction of business.

Officers, resi-
dence.

SECTION 3. That the secretary, president, or any other officer of said company, who is not required by any existing laws to be a stockholder therein, may be elected irrespective of his residence.

Agents, may
appoint.

SECTION 4. That the president and managers of the said company may appoint an agent or agents, at such place or places within the United States as they may deem proper, to receive and allow to be entered in a book or books to be kept for that purpose, transfers of the stock of said company, and that transfers of said stock may be made either at the said company or at such agency or agencies, under such regulations as the president and managers shall adopt.

SECTION 5. That all transfers of stock upon the books of the said company heretofore made or hereafter to be made, shall be good and valid if made in the presence of any witness or witnesses: *Provided*, That such transfers shall be, or shall have been, subsequently examined by the president or treasurer, and acknowledged upon the face of the same by such officers to be correct. Transfers of stock.

SECTION 6. That it shall be lawful for the stockholders of said company at any annual or special meeting, to confer on the president and managers such power and authority as they shall deem expedient or necessary for the well government and interests of the company, not inconsistent with any of the provisions or restrictions contained in the act of incorporation, or any of the supplements thereto. Powers of managers, &c.

SECTION 7. That no loan of money or contract heretofore made or hereafter to be made by any person or persons to or with the said company, shall be deemed or taken to be usurious for or by reason of said company agreeing to pay a greater interest than at the rate of six per centum per annum, or giving its bonds or other evidence of debt for a greater sum than the sum actually lent the said company, but such laws and contracts shall be deemed and taken to be lawful and valid. Loans. Interest.

SECTION 8. That said company shall be and it is hereby authorized, for the purpose of improving the line of their road, to change the location of any part or parts thereof, and for any such new location they shall have the same rights, and be subject to the same restrictions in acquiring the right of way, as is provided for in their act of incorporation or the supplements thereto: *Provided*, That said company shall not be allowed to alter the southern terminus of their said road: *Provided also*, That said company shall have the right to take and occupy sufficient lands for slopes in excavations and embankments, that may be necessary in the construction of their railroad, in addition to the five rods wide granted in the charter of said company. Change location of road. Proviso.

SECTION 9. That the provisions of the first, second, third, fourth and fifth sections of the act entitled "An Act laying a tax on dogs in certain townships of the county of Chester, et cetera," approved eleventh March one thousand eight hundred and fifty, be and the same are hereby extended to the township of Franklin in said county. Franklin tp., Chester co., dog tax.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 286.

AN ACT

Relative to certain election and school districts; to the borough of Harrisville, in the county of Butler; and changing the venue in a certain case from Philadelphia county to Bucks county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, the qualified voters of White-marsh township, Montgomery county, shall hold their general and township elections at Barren Hill, in said township, the former at the house of Samuel Culp and the latter at the house of John Dager.

White Marsh
tp., Montgomery
county.

Sadsbury tp.,
Chester county.

SECTION 2. That the provisions of an act approved the twenty-sixth day of February, one thousand eight hundred and fifty-three, entitled "An Act authorizing the election of four supervisors in Hempfield township, Westmoreland county, and for other purposes," so far as relates to the qualified voters of Sadsbury township, Chester county, determining by ballot the place of holding the general and township elections in said township, are hereby repealed.

Knox tp., Jef-
ferson county.

SECTION 3. That the general, special and township elections of Knox township, in the county of Jefferson, shall be held at the house of John A. Mathews in said township, and the first spring election shall be held on the first Friday of May next, and annually thereafter at the time fixed for holding spring elections in said county, and John A. Mathews and Samuel A. Hunter be inspectors, and Martin Howard be judge, to conduct said election.

School and road
taxes.

SECTION 4. That the school directors and supervisors in said township shall have full authority to collect all taxes assessed for school and road purposes for the year one thousand eight hundred and fifty-three, and apply the same as the laws of this Commonwealth direct.

Saxonburg
school district,
Butler county.

SECTION 5. That the superintendent of common schools be, and he is hereby authorized to draw his warrant on the State Treasurer for the amount of school appropriation due the school district of Saxonburg, Butler county, for the years one thousand eight hundred and fifty-one, and one thousand eight hundred and fifty-two.

Harrisville,
boundary lines
extended.

SECTION 6. That the northern and southern boundary lines of the borough of Harrisville, in the county of Butler, be and the same are hereby extended one-eight of a mile from their present boundaries.

Wilmington tp.,
Lawrence co.

SECTION 7. That the township and general elections for the township of Wilmington, Lawrence county, shall hereafter be held in the school house in the village of Wilmington.

Repeal.

SECTION 8. That the fourteenth section of an act passed the twenty-first day of March, one thousand eight hundred and fifty-two, entitled "An Act legitimating Nancy Haslet, of Mifflin county, relative to the borough of Mifflinburg, Union county," et cetera, is hereby repealed.

Windham tp.,
Bradford co.

SECTION 9. That from and after the passage of this act, the general, special and township elections in Windham township, in the county of Bradford, shall be held at the house of Benjamin Kingkendall.

Hegins tp.,
Schuylkill co.

SECTION 10. That the qualified voters of Hegins township, lately crected out of part of Lower Mahantango township, Schuylkill county,

shall hereafter at all township and general elections vote at the public house now kept by Abraham T. Trautman, in said Hegins township.

SECTION 11. That a certain action now pending in the discriet court of the city and county of Philadelphia, of March Term, Anno Domini one thousand eight hundred and fifty-three, number six hundred and twenty-four, wherein the Doylestown Bank, endorsee of Edward Nicholson, is plaintiff, and Edward Nicholson is defendent, be and the same is hereby transferred to the court of common pleas of Bucks county, Penusylvania, to be there tried in the same manner as it might have been if originally instituted in the said last mentioned county, and the record of the said action shall be certified by the Prothonotary of the said district court of Philadelphia to said court of common pleas of Bucks county, for trial, as aforesaid.

SECTION 12. That the general and township elections for the township of Upper Milford, in the county of Lehigh, shall hereafter be held at the house now occupied by Philip Hittle, in said township.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER

No. 287.

AN ACT

Relative to Suits in Ejectments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That any person wishing to bring ejectment for land claimed adversely to him by any person or corporation not resident or being within the county where such land lies, may bring his action and serve the writ on any person within the county having charge or superintendence of the land, in behalf of or as agent of such party claiming adversely: *Provided,* That before any trial or judgment shall be had in such suit, it shall be made to appear to the satisfaction of the court, that the defendant has had notice in fact of the suit in time to appear and defend it, and if the defendant be a corporation, this notice may given to the president, or other chief officer of it.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 288.

AN ACT

To incorporate the Frankford and Germantown Turnpike Road company in the county of Philadelphia; to lay out a State road in Armstrong and Jefferson counties; to the borough of Patterson; to Flower street in the district of Moyamensing, Philadelphia county; and to the duties of assessors in Rome township, Bradford county.

- SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*
- Commissioners.* Harvey Rowland, William H. Trotter, William E. Hamill, Nathan Hillis, James Thorp, Robert W. Solly, James Horrocks, William Whitaker, Samuel C. Ford, William Overington, Peter Caster, John Deal, Charles B. Gilbert, Jacob B. Foulkrod, Isaac Worrell, Thomas Caster, Walter Knight, William M. Markel, and John A. Wright, any five or more of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the
- Name and style.* name, style and title of "The Frankford and Germantown turnpike road company," to locate and construct an artificial road of stone, M^l. Adamized, plank, or gravel, or partly of one kind and partly of another,
- Location.* from Frankford to the Kensington and Oxford turnpike road, and as much farther towards or to Germantown as the president and managers of the company hereby authorized to be incorporated may at any time, or from time to time, determine, over the bed of any public road, or over any private lands, or partly over one and partly over the other,
- Proviso.* the said road not to exceed sixty feet in width at any place: *Provided*, That the said road shall be commenced within two years from the passage of this act, and shall be completed within five years after such commencement.
- Capital stock.* *SECTION 2.* That the capital stock of the said company shall consist of one thousand shares, of the par value of twenty-five dollars: *Provided*,
- Proviso.* *however*, That the said company may from time to time, at any lawfully convened meeting of the stockholders, increase the capital stock to such an amount as in the opinion of a majority of votes may be required to complete the road according to the true intent and meaning of this act.
- Votes.* *SECTION 3.* That every stockholder shall, at each meeting of the stockholders, and at all elections, be entitled to one vote for each share of stock held by him.
- Tolls.* *SECTION 4.* That as soon as the road shall be put in good order from Frankford to the Kensington and Oxford turnpike road, they may collect tolls, and so on for every additional half mile which they may make, which tolls shall not exceed two cents per horse per mile for every horse led, ridden or driven over the same, but all fractions of a mile shall be chargeable with one cent toll if under half a mile, and two cents if over half a mile; the tolls shall in other respects be such as are authorized by either of the acts of Assembly recited in the following sections: *Provided*, That said company shall not be authorized to make their road into or through the borough of Germantown so as to interfere with the grades of the streets or the general plan of the borough, without the consent of the town council thereof.
- Proviso.*

SECTION 5. That all the powers conferred on the president and managers of the Kensington and Oxford turnpike road company by the act authorizing its incorporation, and any supplemental acts or enactments relating to the last named corporation, are hereby conferred on the said "The Frankford and Germantown turnpike road company," together with all the power and authority conferred on any corporation by the act entitled "An Act regulating turnpike and plank road companies," passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and in all respects not inconsistent with the powers and privileges conferred on the said "The Frankford and Germantown turnpike road company," by this and the preceding sections of this act. the said corporation shall be subject to the provisions of the said last mentioned act.

Powers of certain acts conferred on this act.

SECTION 6. That John Steele and David Putney, of Armstrong county, and Robert Kennedy, of Jefferson county, be and are hereby appointed commissioners to view and lay out a public road from the mouth of Pine Creek, in Armstrong county, by way of Putneyville, to a point on the State road leading from Smicksburg to Brookville, at or near Sandyville, Jefferson county, by the nearest and best route, and said commissioners shall have the same powers, and be subject to the same restrictions, as are conferred and imposed by the act of the third March, one thousand eight hundred and fifty-two; entitled "An Act authorizing the laying out of a State road from Ringgold, Jefferson county, to Kittanning, Armstrong county, and relating to an election district in Armstrong county, and to certain school districts in Jefferson county," so far as said act relates to said State road.

Commissioners.

Subject to provisions of certain act.

SECTION 7. That John J. Patterson, Joseph Middagh, and James North, of the borough of Patterson, are hereby required to do and perform all the duties required of them in the act of incorporation incorporating the town of Patterson into a borough, and hold their first election on the third day of May next, agreeable to said act, and the borough officers so elected shall be entitled to demand and receive from the citizens of said borough all the road and school tax assessed or to be assessed on property within said borough for the year one thousand eight hundred and fifty-three, for borough purposes.

Borough of Patterson.

Officers to collect taxes.

SECTION 8. That Flower street between Catherine and Christian streets, in the district of Moyamensing, in the county of Philadelphia, shall be reduced from its present width of fifty-six feet seven inches to the width of forty feet, and all of the westerly side of said street beyond the width of forty feet shall be and the same is hereby vacated, and the right of soil thereof shall vest in fee in owners of ground fronting on the westerly side of the said street, in proportion to their respective fronts.

Flower street Moyamensing, to reduce width.

SECTION 9. That it shall be the duty of the assessors of Rome township, Bradford county, annually hereafter, when taking the assessments of said township, to take an accurate account of all dogs upward of one month of age, owned or kept by any person or persons in said township, and return the same, with the name of the owner or owners thereof, to the board of school directors of said township, whereupon the said school directors shall levy and cause to be collected by the collectors of the school tax, who are hereby invested with like authority and power to collect said tax on dogs as are the collectors of township rates and levies, the sum of fifty cents from every person for each and every dog owned, possessed or kept by him, her or them, which tax when collected, shall be paid by the collector to the treas-

Rome tp., Bradford county, Dogs taxed.

urer of the board of school directors for said township of Rome, and when so paid, shall constitute a part of the school fund of said school district.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 289.

AN ACT

To legitimate Joseph W. Hough of Allegheny county; to a certain school district in Montgomery county; and to the Kittatinny Slate company.

Joseph W.
Hough to
legitimate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Joseph W. Hough, an illegitimate son of John Hough, of Allegheny county, State of Pennsylvania, shall have and enjoy all the rights, privileges, benefits and advantages of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if he had been a legitimate child of the said John Hough, born in lawful wedlock.

Perkiomen
school district.

SECTION 2. That the lands of Jacob Schneider, George Poley, and Peter Smith, now included in the Perkiomen school district, Montgomery county, are hereby attached to the school district composed of that part of the township of Marlborough, Montgomery county, not included in the Perkiomen district.

Kittatinny slate
company.

SECTION 3. That it shall be lawful for the Kittatinny Slate company to increase the number of managers of said company to any number not exceeding six, exclusive of the president.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 290.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Beaver Manufacturing company, in Beaver county;" and relative to a State road in Beaver county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the act incorporating the Beaver Manufacturing company, of Beaver county, approved the seventh April, one thousand eight hundred and forty-nine, be and the same is hereby extended to the manufacturing of railroad cars, carriages, omnibuses, steam engines, and iron, and that the capital stock of said company may be increased from time to time, by a vote of the stockholders thereof, to any amount not exceeding five hundred thousand dollars: *Provided*, That it shall require a vote of two thirds of the whole stock of the company subscribed to authorize such increase. Provisions extended. Capital stock increased. Proviso.

SECTION 2. That at all elections for directors of said company, and in all meetings of the stockholders, each share of stock shall be entitled to one vote: *Provided*, That no share of stock upon which an assessment has been made and remains unpaid, shall be entitled to a vote at any such election or meeting of stockholders.

SECTION 3. That the said company be and is hereby authorized to construct a railroad or railroads from any coal lands which they may own, for the purpose of transporting coal thereon, under all the provisions and restrictions of an act entitled 'An Act regulating railroad companies,' passed the twentieth day of February, one thousand eight hundred and forty-nine: *Provided*, That no such road shall exceed three miles in length: *Provided*, That said company shall pay to the State Treasurer, for the use of the Commonwealth, one-half of one per centum on the capital stock thereof, in five annual instalments, the first whereof shall be paid within one year after the company shall be organized. Subject to provisions and restrictions of certain act. Proviso.

SECTION 4. That Francis Reno, Stephen Philips, Sr., and C. Black, of Beaver county, be and they are hereby appointed commissioners to view and lay out a State road from Freedom, in Beaver county, by way of or near the Great Nob in said county, to intersect the Beaver and Butler State road, at or near where said road crosses the Beaver and Butler county line. Commissioners. State road in Beaver county.

SECTION 5. That it shall be the duty of said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation before some competent authority, to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which said road may pass, and lay out the same on the nearest and best ground to a straight line, and in no place to exceed an elevation of four degrees from a horizontal line, except on crossing ravines, where moderate filling is required. Duties of commissioners.

SECTION 6. That it shall be the duty of said commissioners plainly and distinctly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ, Duties.

at a per diem allowance not exceeding one dollar each, two chain-carriers and one axe-man, and the said commissioners respectively shall receive a per diem allowance of one dollar and fifty cents per day for each day necessarily expended in the discharge of the duties by this act, and the said commissioner performing the duty of surveyor, shall have and receive an additional compensation of one dollar per day for each and every day spent in the discharge of said duties, to be paid in the manner and form as hereinafter directed.

Compensation.

To make out
draft of location.

SECTION 7. That it shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road, respectively noting the courses and distances as they occur, the improvements, and also the crossings of township lines, roads and waters, with such other matter as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of December next, and one copy in the office of the clerk of the court in the county in which the said road is located, on the day aforesaid, or as much sooner as practicable, which shall be record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened to the breadth of thirty-three feet at least, and repaired in all respects as roads are opened and repaired which are laid out by order of the courts of the county of Beaver.

Accounts how
paid.

SECTION 8. That the accounts of the commissioners for their own pay and the pay of their chain-carriers and axe-man, shall be made out and returned to the commissioners of the county in which said road is located, and that they shall be paid out of the treasury of the county, on warrants drawn in the usual way.

When to meet.

SECTION 9. That the said commissioners shall meet on or before the first day of May next, or as soon thereafter as practicable, and complete the view of said road, and if any vacancy should occur, the court of quarter sessions of the county of Beaver shall supply by the appointment of a suitable person or persons to perform the duty.

Vacancies how
supplied.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 291.

AN ACT

To incorporate the Cleveland and Pittsburg Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the full and entire assent of this Commonwealth be and the same is hereby given to all and each of the provisions contained in an act of the General Assembly of Ohio, passed March fourteenth, one thousand eight hundred and thirty-six, entitled "An Act to incorporate the Cleaveland and Pittsburg railroad company," and also an act of said General Assembly of Ohio, passed March eleventh, one thousand eight hundred and forty-five, entitled "An Act to revive and amend the act entitled 'An act to incorporate the Cleveland and Pittsburg railroad company,'" and also an act authorizing said company to extend their road into the State of Pennsylvania, and the said acts of the General Assembly of the State of Ohio are hereby adopted, ratified and confirmed and enacted into laws of this Commonwealth, and all and each of the provisions, conditions and restrictions thereof, as fully and effectually as if the same were enacted section by section, so far as the same can apply in this Commonwealth, reserving always to this Commonwealth the same and like rights and powers in all respects, in and over that part of the contemplated railroad which may be in the State of Pennsylvania, as has been reserved and provided in the said recited acts of the State of Ohio in and over that part of the said railroad which may be in the State of Ohio, and the said acts shall be in full force and effect, according to the true intent and meaning thereof, wheresoever the same is applicable, as well within as without this Commonwealth, to incorporate the Cleveland and Pittsburg railroad company for all, every object and purpose therein set forth and provided, and all the acts and proceedings of the corporators, stockholders and directors of the said Cleveland and Pittsburg railroad company, which have been legally done in pursuance of the above recited acts of the State of Ohio, shall have the same validity, force and effect, in this State and elsewhere, as if they had been subsequent to the passage of this act, and in pursuance thereof.

Assent of Pa.,
given to acts of
Ohio.Authority to
extend road into
Pennsylvania.Rights and
powers.Acts &c., of
corporators to
be valid.

SECTION 2. That in all cases where any matters in controversy that have originated or arisen within the limits of this Commonwealth, the said company may sue and be sued, in like manner as other bodies corporate within this Commonwealth, and in all matters and things which may in any way relate to or concern the exercise or abuses of the privileges, powers and franchises hereby granted, and also in all things which may in any way relate to or concern a compliance with, or breach of the conditions and provisions of this act, the company shall be as perfectly subject to, and under the control of the proper authority of Pennsylvania, as if the said company had been created by a law of this State, and in any suit or action or proceeding at law or in equity against said company, the process may be served within the proper county or district, upon any known officers or agent of said company.

Controversies
how settled.

To make statement of cost of construction. SECTION 3. That it shall be the duty of the president and directors of said company, as soon as any portion of their railroad situated in this State shall be completed and in use for transportation, to prepare a full and accurate statement of the cost of construction of said portion of their railroad, as authenticated by the oath or affirmation of the president and secretary of said company, and communicate the same to the Auditor General of this Commonwealth, who shall file the statement in his office.

Stock to be subject to taxation. SECTION 4. That the stock of said company, to an amount equal to the cost of the construction of the said portion of their road, shall be subject to taxation by this Commonwealth, in the same manner and at the same rates as other similar property is or may be subject, throughout this State is subject, and it shall be the duty of said company to cause their treasurer, upon the declaration of any dividend, after said portion of their railroad shall have been completed, to retain out of said dividend and pay into the treasury of this State the tax to which such stock is liable.

May increase capital stock. SECTION 5. That said company are hereby authorized to increase the capital stock of their company to an amount equal to the cost of the construction and equipment of their road within the State of Pennsylvania.

Damages how settled. SECTION 6. That in the settlements of damages caused by the construction of their railroad within this State, said company shall be governed by the eleventh section of an act regulating railroad companies, approved February nineteenth, one thousand eight hundred and forty-nine.

Route of extension. SECTION 7. That said company is hereby authorized to extend their railroad into this State from the point where it may cross the west line of this State, in the county of Beaver, and to continue it up the valley of the Ohio river and connect with any railroads running in the direction of or terminating in Pittsburg.

Two directors in Penn'a. SECTION 8. That two of the directors of said Cleveland and Pittsburg railroad shall be citizens of Pennsylvania.

Acts of Ohio to be published. SECTION 9. That exemplified copies of the above recited acts of the State of Ohio, shall be annexed to this act and published together with and as a part of this act, and the Governor shall cause an attested copy of this act to be transmitted to the Governor of Ohio.

Repeal. SECTION 10. That the authority given to said company to extend their railroad in this State by sections number two, three and four, of the act passed for the relief of Peter Hand, approved the eighth day of April, one thousand eight hundred and fifty, be and the same are hereby repealed.

AN ACT to incorporate the Cleveland and Pittsburg Railroad company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That Van R. Humphrey, Heman Oviatt, D. B. Bostwick, Darius Lyman, and Joseph De Wolf, of Portage county, Samuel Starkweather, Charles Whittlesey, and John W. Willey, of Cuyahoga county, Robert Forbes, Isaac Wilson, James Robertson, John Wallis, George McCook, and John Patrick, of Columbiana county, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Cleveland and Pittsburg railroad company hereby incorporated, and they, or a ma-

jority of them, may cause books to be opened in the counties of Cuya- May open books.
hoga, Portage, and Columbiana, and at such other time and place as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given thirty days' notice of the time and place of opening the same, and that upon the first opening of the books they shall be kept open for at least ten days in succession, from ten o'clock in the forenoon until two o'clock in the afternoon, and if at the expiration of that period such a subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, then said commissioners, or a majority of them, may cause said books to be open from time to time, after the expiration of said ten days and for the space of three years thereafter, and if any of the said commissioners shall die, resign, or refuse to act, during the Vacancies how
continuance of the duties devolved upon them by this act, another or supplied.
others may be appointed in his or their stead by the remaining commissioners, or a majority of them.

SECTION 2. That the capital stock of the Cleveland and Pittsburg Capital stock.
Railroad company shall be fifteen hundred thousand dollars, and shall be divided into shares of fifty dollars each, and it shall and may be lawful for said corporation to commence the construction of said railroad or way, and enjoy all the powers and privileges conferred by this act, as soon as the sum of one hundred thousand dollars shall be subscribed to said stock.

SECTION 3. That all persons who shall become stockholders pursuant to this act, shall be and they are hereby erected a body corporate, and shall be and remain a corporation forever, under the name of "the Name.
Cleveland and Pittsburg Railroad company," and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying, estates, real, personal and mixed, so far as the same shall be Privileges.
necessary for the purposes hereinafter mentioned, and no further, and shall have perpetual succession, and by said corporate name may contract and be contracted with, sue and be sued, and may have and use a common seal, which they shall have power to alter and renew at their Seal.
pleasure, and shall have, enjoy, and may exercise all the powers, rights and privileges which corporate bodies may lawfully do, for the purposes mentioned in this act.

SECTION 4. That upon all subscriptions there shall be paid at the Five dollars on
time of subscribing to the said commissioners, or their agents appointed to receive such subscriptions, the sum of five dollars on every share paid.
subscribed, and the residue thereof shall be paid in such instalments and at such times as may be required by the president and directors of said company: *Provided*, That no payment other than the first shall Proviso.
be demanded until at least thirty days' notice of such demand shall have been given by the president and directors, in some newspaper of general circulation in the State of Ohio, and if any stockholders shall fail or neglect to pay any instalment or part of said subscription thus demanded, for the space of sixty days next after the time the same shall be due and payable, the said president and directors, upon giving at least thirty days' previous notice thereof in manner aforesaid, may and they are hereby authorized to sell at public vendue, so many of the shares of the said delinquent stockholder or stockholders as shall be necessary to pay such instalment and the expenses of advertising and sale, and transfer the shares so sold to the purchasers, and the residue of the money arising from such sale, after paying such instalment and expenses, shall be paid to said stockholders on demand.

SECTION 5. That at the expiration of ten days for which the books are first opened, if seven hundred and fifty shares of said capital stock

shall have been subscribed, or if not, as soon thereafter, as the same shall be subscribed, if within three years after the first opening of the books, the said commissioners, or a majority of them, shall call a general meeting of the stockholders, at such time and place as they shall appoint, and shall give at least sixty days' previous notice thereof, and at such meeting the said commissioners shall lay the subscription books before the stockholders then and there present, and thereupon the said stockholders, or a majority of them, shall elect twelve directors, by ballot, a majority of whom shall be competent to manage the affairs of said company; they shall have the power of electing a president of said company, either from among said directors or others, and of allowing him such compensation as they may deem proper, and in said election, and on all other occasions wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by him or her, and every stockholder may depute any other person to vote and act for him or her, as his or their proxy, and the commissioners aforesaid, or any three of them, shall be judges of the first election of said directors.

Directors.
President.
Proxies.

Directors to be chosen annually.
Vacancies how filled.
Elections.

SECTION 6. That to continue the succession of the president and directors of said company, twelve directors shall be chosen annually, on the third Monday in October in every year, in the town of Ravenna, in the county of Portage, or at such other place as a majority of the directors shall appoint, and if any vacancy shall occur by death, resignation, or otherwise, of any president or director, before the year for which he was elected has expired, a person to fill such vacant place for the residue of the year may be appointed by the president and directors of said company, or a majority of them, and that the president and directors of said company shall hold and exercise their offices until a new election of president and directors, and that elections which are by this act or the by-laws of the company to be made on a particular day, or at a particular time, if not made on such a day or time, may be made at any time within thirty days thereafter.

Meetings to be held annually.
Majority required to do business.

SECTION 7. That a general meeting of the stockholders shall be held annually, at the time and place appointed for the election of president and directors of said company; that meetings may be called at any time during the interval between the said annual meetings, by the president and directors, or a majority of them, or by the stockholders owing at least one-fourth of the stock subscribed, upon giving at least thirty days' public notice of the time and place of holding the same, and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call, and if at any such called meeting a majority in value of the stockholders of said company are not present in person or by proxy, such meeting shall be adjourned from day to day without transacting any business, for any time not exceeding three days, and if within said three days, stockholders holding a majority in value of the stock subscribed do not thus attend, such meeting shall be dissolved.

Statements of affairs required annually.

SECTION 8. That at all the regular meetings of the stockholders of said company, it shall be the duty of the president and directors in office for the previous year to exhibit a clear and distinct statement of the affairs of the company; that at any called meeting of the stockholders a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required, and that at all general meetings of the stockholders a majority in value of all the stockholders of said company may remove from office any president or any of the directors of said company, and may appoint officers in their stead.

SECTION 9. That any president and director of said company, before he acts as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of his said office to the best of his skill and judgment. Officers to be sworn.

SECTION 10. That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they or a majority of them shall have the power to determine by contract the compensation of all engineers, officers, agents or servants, in the employ of said company, and to determine by their by-laws the manner of adjusting and settling all accounts against the said company, and also the manner and evidence of transfers of stock in said company, and they, or a majority of them, shall have the power to pass all by-laws which they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, and for carrying the objects of this act into effect: *Provided only*, That such by-laws shall not be contrary to the laws of this State or of the United States. Engineers &c.
Compensation.
Accounts.
By-laws.
Proviso.

SECTION 11. That the said corporation shall be and they are hereby vested with the right to construct a double or single railroad or way from Cleveland, in the county of Cuyahoga, on the most direct and least expensive route, to some point in the direction of Pittsburg, on the State line between Ohio and Pennsylvania, or on the Ohio river, to transport, take and carry property and persons upon the same by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them which the said corporation may choose to employ. Double or single track.
Route.

SECTION 12. That the president and directors of said company shall be and they are hereby invested with all rights and powers necessary for the location, construction and repair of said road, not exceeding one hundred feet wide, with as many sets of tracks as the said president and directors may deem necessary, and they may cause to be made contract with others for making the said railroad, or any part of it, and they or their agents, or those with whom they may contract for making any part of the same, may enter upon and use and excavate any land which may be wanted for the site of said road, or for any other purpose necessary and useful in the construction or in the repair of said road or its works, and that they may build bridges, may fix scales and weights, may lay rails, may take and use any earth, timber, gravel, stone, or other materials, which may be wanted for the construction or repair of any part of said road or any of its works, and may make and construct all works whatsoever which may be necessary in the construction or repair of said road. Width.
May enter upon and use lands &c.

SECTION 13. That the president and directors of said company, or a majority of them, or any person authorized by them, or a majority of them, may agree with the owner or owners of any land, earth, timber, gravel or stone, or other materials, or any improvements which may be wanted for the construction or repair of said road or any of their works, for the purchase or use or occupation of the same, and if they cannot agree, or if the owner or owners, or any of them, be a married woman, insane person, or idiot, or out of the county in which the property wanted may lie when such land and materials may be wanted, application may be made to any justice of the peace of such county, who shall thereupon issue his warrant, under his hand and seal, directed to the sheriff of said county, or to some disinterested person, if the sheriff shall be interested, requiring him to summon a jury of twelve men, inhabitants of said county, not related or in anywise interested, to meet Damages, how to be settled.

on the land or near to the other property or materials to be valued, on a day named in said warrant, not less than ten or more than twenty days after the issuing of the same, and if at the said time and place any of said persons summoned do not attend, said sheriff or summoner shall immediately summon as many persons as may be necessary with the persons in attendance to furnish a panel of twelve jurors in attendance, and from them each party, or its, his, her or their agents, the sheriff or summoner for him, her, it or them, may strike off three jurors, and the remaining six shall act as a jury of inquest of damages, and before they act as such, the said summoner or sheriff shall administer to each of them an oath or affirmation, as the case may be, that they will faithfully and impartially value the damages which the owner or owners will sustain by use or occupation of the same required by said company, and the jury estimating the damages, if for the ground occupied by said road, shall take into the estimate benefits resulting to said owner or owners by reason of said road passing through or upon the land of such owner or owners, towards the extinguishment of such claim for damages, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned to the clerk of the court of common pleas for said county, and by such clerk filed in his office, and shall be confirmed by said court at its next session if no sufficient cause to the contrary be shown, and when confirmed, shall be recorded by said clerk at the expense of said company, but if set aside the court may direct another inquisition to be taken, in the manner above prescribed, and such inquisition shall describe the property, or the bounds of the land condemned, and such valuation when paid or tendered to the owner or owners of said property, or his, her, or their legal representatives, shall entitle said company to the full right to said personal property, and the use and occupation of said landed property, for the purposes of said road thus valued, as fully as if it had been conveyed by the the owner or owners of the same, and the valuation, if not received when tendered, may at any time thereafter be received from the company, without cost by the owner or owners, his, her, or their legal representative or representatives, and that such sheriff or summoner and jurors shall be entitled to demand and receive from said company the same fees as are allowed for like services in cases of fixing the valuation of real estate previous to sale under execution.

Cross-ways and wagon-ways.

SECTION 14. That whenever in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the said president and directors of said company so to construct the said railroad across such established road or way, as not to impede the passage or transportation of persons or property along the same, or when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual proper wagon-ways across said road from one part of his land to another, without delay.

Penalty for neglect.

SECTION 15 That if said company should neglect to construct proper wagon-ways across said road, as required by the fourteenth section of this act, it shall be lawful for any individual to sue said company, and to be entitled to such damages as a jury may think him or her entitled to for such neglect on the part of said company.

May use other roads and bridges.

SECTION 16. That if it shall be necessary for such company in the selection of the route or construction of the road to be by them laid out and constructed, or any part of it, to connect the same with or to use any turnpike road or bridge made or erected by any company or persons incorporated or authorized by any law of this State, it shall be

lawful for the said president and directors, and they are hereby authorized to contract or agree with any such other corporation or persons for the right to use such road or bridge, or for the transfer of any of the corporate or other rights or privileges of such corporation or persons, to the said company hereby incorporated, and every such other incorporation or persons incorporated by or acting under the laws of this State, is and are hereby authorized to make such an agreement, contract or transfer, by and through the agency of the person authorized by their respective acts of incorporation to exercise their corporate powers, or by such persons as by any law of this State are entrusted with the management and direction of said turnpike road or bridge, or of any of the rights and privileges aforesaid, and any contract, agreement, or transfer made in pursuance of the power and authority hereby granted, when executed by the several parties under their respective corporate seals, or otherwise legally authenticated, shall vest in the company hereby incorporated all such road, part of road, rights and privileges, and the right to use and enjoy the same, as fully, to all intents and purposes, as they now are or might be used and exercised by the said corporation or persons in whom they are now vested.

SECTION 17. That the said president and directors shall have power to purchase with the funds of the company and place on any railroad constructed by them under this act, all machines, wagons, vehicles, or carriages, of any description whatsoever, which they may deem necessary or proper for the purpose of transportation on said road, and that they shall have power to charge for tolls upon and the transportation of persons, goods, produce, merchandise, or property of every description whatsoever, transported by them along said railway, any sum not exceeding the following rates : On all goods, merchandise, or property of any description whatsoever, transported by them, a sum not exceeding one and a half cents per mile for toll, and five cents per mile per ton for transportation ; on all goods, produce, merchandise, or property of any description whatsoever, transported by them or their agents, and for the transportation of passengers, not exceeding three cents per mile for each passenger ; and it shall be lawful for any other company, or any person or persons whatsoever paying the tolls aforesaid, to transport any person, merchandise, produce, or property of any description whatsoever, along said road or any part thereof, and the said road, with all their works, improvements and profits, and all machinery on said road for transportation, are hereby vested in said company incorporated by this act and their successors forever, and the shares of the capital stock of said company shall be deemed and considered personal property, transferable by assignment, agreeably to the by-laws of said company.

SECTION 18. That any other railroad company now or hereafter to be chartered by the law of this State, may join and connect said road with the road hereby contemplated, and run cars upon the same, under the rules and regulations of the Cleveland and Pittsburg Railroad company, as to the construction and speed of said cars, and full right and privilege is hereby reserved to the State, or the citizens or any company incorporated by authority of this State, to cross the railroad hereby incorporated : *Provided*, That in crossing no injury shall be done to the works of the company hereby incorporated.

SECTION 19. That the said president and directors shall semi-annually declare and make such dividends as they may deem proper of the net profits arising from the resources of said company, deducting the probable amount of outstanding debts and the necessary current and

Cars &c.

Rates of tolls.

Other railroads
may connect.

Proviso.

Dividends.

contingent expenses, and that they shall divide the same amongst the stockholders of said company in proportion to their respective shares.

Injuries to road,
penalty for.

SECTION 20. That if any person or persons shall wilfully, or by any means whatsoever, injure, impair, or destroy any part of said railroad constructed by said company under this act, or any of the work, building, or machinery of said company, such person or persons so offending shall each of them, for every such offence, forfeit and pay to said company a sum not exceeding threefold the damages which may be recovered in the name of the company, by an action of debt, in the court of common pleas for the county wherein the offence shall be committed, and shall also be subject to an indictment in said court, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

Commencement
and completion
of road.

SECTION 21. That if said railroad shall not be commenced in three years from the passage of this act, and shall not be finished within fifteen years from the time of the commencement thereof, then this act be null and void.

Right to take
road reserved
by the state.

SECTION 22. That if the Legislature of this State shall after the expiration of thirty-five years from the passage of this act, make provision by law for the re-payment to said company of the amount expended by them in the construction of said railroad, and the value of the necessary permanent fixtures thereto at the time, with an addition of fifteen per cent. thereon, together with interest on the cost of the road at the rate of six per cent. per annum, unless the dividends shall have amounted to six per cent. per annum, of which expenditure an accurate statement in writing, attested by the oaths or affirmations of the officers of said company, shall be submitted to the General Assembly, if required, then said road and fixtures shall vest in and become the property of the State of Ohio.

Dividends when
taxable.

SECTION 23. That whenever the dividends of said company shall amount to a sum exceeding the amount of six per cent. per annum upon the cost of said road, and the necessary expenses of the same, the Legislature of this State may impose such reasonable taxes on the amount of such dividend as may be received from other railroad companies.

WILLIAM MEDILL,

Speaker pro tem. of the House of Representatives.

ELIJAH VANCE,

Speaker of the Senate.

March 14, 1836.

STATE OF OHIO,

*Secretary of State's Office,
Columbus, December 30, 1845.*

I, Samuel Galloway, Secretary of State, do hereby certify that the foregoing is a true copy from the original on file in this office.

SAMUEL GALLOWAY.

Secretary of State.

AN ACT to revive and amend the act entitled "An Act to incorporate the Cleveland and Pittsburg Railroad company," passed March fourteenth, one thousand eight hundred and thirty-six.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "An Act to incorporate the Cleveland and Pittsburg Railroad company," passed fourteenth March, one thousand

eight hundred and thirty-six, be and the same is hereby revived, except so far as the same shall be inconsistent with the provisions of this act, and that John S. Blakely, James Farmer, James Stewart, George M'Cook, Joshua Dawson, Albert G. Catlett, Zadoc Street, and John Dellenbach, of Columbiana county; John W. Allen, Charles Bradburn, Irad Kelley, Samuel Starkweather, Philo Scovill, Thomas Bolton, and Samuel Williamson, of Cuyahoga county; Cyrus Prentis, Robert F. Paine, Plimmon C. Bennet, and William R. Henry, of Portage county; William M'Cullough, of Jefferson county; Sylvester Thompson and Birdley Booth, of Summit county; are hereby appointed commissioners instead of those named in the above recited act, and the said commissioners hereby appointed, or a majority of them, are hereby authorized to proceed, after having given thirty days' notice in one newspaper printed in each of the above named counties, to cause books to be opened for the purpose of receiving subscriptions to the capital stock of said company, in the manner provided for in the above recited act, by which they shall in all respects be governed, except so far as the same may be inconsistent with this act.

SECTION 2. That the railroad mentioned in the above recited act shall commence at a convenient place in the city of Cleveland, in the county of Cuyahoga, and thence on the most direct, practicable, and least expensive route, to the Ohio river, at the most suitable point, and if the said railroad shall not be commenced within five years from the passage of this act, and if said railroad shall not be completed within twelve years from the commencement thereof, then this act shall be null and void: *Provided*, That said company may unite said railroad by them constructed, at some point south-easterly of the city of Cleveland, with any other railroad authorized by law, which may be constructed on the easterly side of the Cuyahoga river, leading to Cleveland, and to make such arrangements as to the division of labor and earnings as the directors of the companies owning such united railroads may deem equitable.

SECTION 3. That it shall be lawful for said corporation to commence the construction of said railroad or way, and enjoy all the powers and privileges conferred by this act and the act hereby revived, as soon as the sum of fifty thousand dollars shall be subscribed to said stock, and the payment thereof considered safe and secure.

SECTION 4. That in obtaining the right of way, and procuring materials for the construction and repair of said road or way, the said corporation shall in all respects be governed by an act entitled "An Act to amend the act entitled 'An Act for the regulation of turnpike companies,'" passed March eleventh, one thousand eight hundred and forty-three, and all claims for damages, as aforesaid, shall be settled and adjusted according to the provisions of this act.

SECTION 5. That the said company shall have power to demand and receive for the transportation of persons and property over said road, or any portion thereof, the following rates of fare and tolls: For each person not more than four cents per mile, and for each ton weight of property not more than eight cents per mile, and in the same proportion for greater or less distance or weight.

SECTION 6. That the said company, by its proper officers, duly authorized by the directors, is hereby authorized and empowered to mortgage, hypothecate, or pledge all or any part of said railroad, or of any other real or personal property belonging to said company, or of any portion of the tolls and revenues of said company which may thereafter accrue, for the purpose of raising money to construct said railroad, or to pay debts incurred in the construction thereof.

Repeal.

SECTION 7. That so much of the act hereby revived and amended as is inconsistent with the provisions of this act, is hereby repealed.

JOHN M. GALLAGHER,
Speaker of the House of Representatives.

DAVID CHAMBERS,
Speaker of the Senate.

STATE OF OHIO:

Secretary of State's Office,
Columbus, December 27, 1845. }

I, Samuel Galloway, Secretary of State, do hereby certify that the foregoing is a true copy from the original on file in this office.

SAMUEL GALLOWAY.

Secretary of State.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 292.

AN ACT

To regulate proceedings in relation to the erection and repairing of bridges, in Westmoreland county; to the erection of buildings in said county; and incorporating the Addison Lodge Association of the Independent Order of Odd Fellows.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Court to appoint
viewers.

in all cases where application may hereafter be made to the court of quarter sessions of Westmoreland county for the appointment of viewers to view the site of any bridge, in pursuance of the thirty-fifth and forty-sixth sections of the act of thirteenth June, one thousand eight hundred and thirty-six, entitled "An Act relating to Roads, Highways and Bridges," it shall be the duty of the said court to appoint three viewers, neither of whom shall be residents of the township or townships in which such bridge is proposed to be erected, who, in addition to the duties prescribed by said sections, shall report what amount of the expense for the erection thereof shall be paid by the petitioners for the said bridge, and what amount by the said county, which report shall be approved by said court, and the commissioners of said county,

and said viewers, shall receive fifty cents in addition to the sum now Compensation. allowed by law, for every day necessarily employed, to be paid out of the county funds.

SECTION 2. That it shall be the duty of the supervisors of the town- Duty of super- ship or townships in Westmoreland county, in which any county bridge visors. is now or shall hereafter be erected, to keep the same in repair, at the expense of the township or townships, in the same manner as is now prescribed by law in relation to public roads, and on neglect thereof, Penalty for ne- shall forfeit and pay a sum not less than ten nor more than fifty dollars, glect. to be recovered in the same manner as provided for in the seventy-fifth section of the act of thirteenth June, one thousand eight hundred and thirty-six, entitled "An Act relating to Roads, Highways and Bridges."

SECTION 3. That so far as any act or acts, or part thereof, are hereby Repeal. altered or supplied, the same be and are hereby repealed.

SECTION 4. That the commissioners of the county of Westmoreland Commissioners of Westmore- are hereby authorized and empowered to borrow any sum or sums of land co., autho- money not exceeding in the whole twenty five thousand dollars, which rized to borrow money. they may deem necessary, for the purpose of erecting a court house, public offices and jail, and for the purchase of ground on which to erect said jail, at any rate of interest not exceeding six per cent., in the name and upon the faith, credit and responsibility of said county, and to issue certificates of such loan to the holders thereof, in sums not less than one hundred dollars, and to make such provision in the accounts and disbursements of the taxes of said county, from time to time, as may be necessary to pay the interest upon such loan and to redeem the principal, at such times and in such manner as may be conformable to the terms upon which the same may be taken.

SECTION 5. That the money borrowed under the provisions of this How to be ap- act, shall be appropriated for the purpose mentioned in the fourth sec- propriated. tion of this act, in conformity with the recommendation and restrictions of the grand jury of said county at August sessions, eighteen hundred and fifty-two.

SECTION 6. That so much of any law as authorizes the payment of Repeal. a premium for the scalps of wolves and foxes by the county of West- moreland, is hereby repealed, so far as respects said county.

SECTION 7. That C. B. Fetter, James S. Hook, George J. Black, Corporators. and H. J. Easter, and their successors, and all persons who now are or may be hereafter associated with them, be and are hereby erected into a body corporate, in deed and in law, by the name, style and title of Style. "Addison Lodge Association number three hundred and two, of the Independent Order of Odd Fellows," and by that name to have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, and shall be capable Privileges. in law and in equity to take and hold, to them and their successors, either by grant, gift, devise, lease, or otherwise, any lands or real estate, and also to take and hold for the use of the said association, any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise, bequest, or otherwise, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell, and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the affairs of the association: *Provided*, Proviso. That the real estate of which the corporation shall at any time be possessed shall not exceed the clear yearly value of two thousand dollars.

SECTION 8. That the object of said corporation shall be to provide, Object. erect and furnish a hall and suitable buildings in the village of Somer-

field, in the county of Somerset, for the accommodation of the members of Addison Lodge number three hundred and two, of the Independent Order of Odd Fellows, and such other lodges as may be established in said village, to hold their meetings therein.

Seal. SECTION 9. That it shall be lawful for said corporation to have a common seal, and the same at will and pleasure to change, alter and renew, as they think proper.

Trustees. SECTION 10. That the trustees of this association, as chosen at such time and in such manner as the said association by its by-laws shall provide, shall have the management and disposition of its affairs and property, as they shall be legally entrusted by said association, and they are hereby declared the proper persons to sign, seal and deliver conveyances of lands or real estate which may be sold by said association.

By-laws. SECTION 11. That the corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the constitution of this Commonwealth or of the Union.

Reservation. SECTION 12. That the Legislature hereby reserves the right to alter, revoke or annul this charter, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators thereof.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D., eighteen hundred and fifty-three.

WM. BIGLER.

No. 293.

AN ACT

To amend the charter of the city of Erie; relating to the borough of Waterford; authorizing the Marvin's Mills Plank Road company to borrow money; changing the place of holding elections in Concord township, and authorizing the school directors of said township to lay a special school tax; relating to road tax in Mill Creek township, in Erie county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the city councils of the city of Erie shall have power, on petition, signed by at least twelve freeholders, residents in said city, to grade, pave, gravel, plank, or otherwise improve or repair any avenue or avenues, street or streets, lane or lanes, alley or alleys, or highways in said city; said petition shall state substantially the object sought to be accomplished, and also, whether it is desired that the expense thereof, together with the damages caused thereby, shall be paid by the petitioners, or out of the city treasury, or by a discriminating tax assessed

City councils,
power to im-
prove streets,
&c.

upon the land particularly benefitted thereby, or partly by a discriminating tax, as aforesaid, and partly out of the city treasury; and if by a discriminating tax, at least one-third of the petitioners shall own or represent land to be taxed for the object sought; and if the councils shall determine upon said improvement, the order therefor shall state whether the expense thereof, together with any damages which may be assessed on account of the same, shall be paid by the petitioners, or from the city treasury, or by a discriminating tax on the land benefitted thereby, in manner as hereinafter provided, or partly by a discriminating tax, as aforesaid, and partly out of the city treasury, stating particularly the proportion to be paid by a discriminating tax, and the proportion to be paid out of the city treasury, and which said order shall be published in one or more newspapers of the city, at least once a week for four consecutive weeks; the council shall appoint three judicious, disinterested free-holders of said city to estimate the cost of the projected improvement, and who shall, after having made said estimate, file a report of the same in the office of the select councils of said city, within twenty days from the expiration of the aforesaid four weeks publication of the order.

Expense, how to be paid.

Order to be published.

SECTION 2. That if any person shall claim damages by reason of such grading, paving, graveling, planking, or otherwise improving or repairing said avenue, street, alley or highway, and shall file in the office of the select council of said city his or her notice of such claim in writing, within ten days after the expiration of the publication of said order, such committee shall assess such amount of damage as they may deem such claimant to have sustained over and above the benefits, and add the amount to the expense of the said improvement, and they shall state the amount of the damage so assessed to each person separately in their report, to be filed as aforesaid; if the order of the council shall have determined that the cost and damages accruing on account of the grading, paving, graveling, planking, or otherwise improving any avenue, street, alley or highway in said city, shall be borne by the petitioners or defrayed from the city treasury, then the total amount of damages as reported by the committee, as aforesaid, shall be paid or tendered by the petitioners or the city, as the case may be, to such persons or their agents as the said committee may have awarded said damages to, within six months after the date of said report, or in default thereof, the order for grading, paving, graveling, planking, or otherwise improving said street, avenue, alley or highway, shall be null and void, but if the order of the council shall have determined that the expense of the proposed improvement of any avenue, street, alley or highway, shall be defrayed by a discriminating tax on the lands benefitted thereby, or partly by a discriminating tax, as aforesaid, and partly out of the city treasury, the said committee shall with their report, to be made within twenty days as aforesaid, make out a list of the lands to be benefitted by such improvement, and bounded and abutting upon the same, or lying near thereto, in duplicate form, and describing the same, whenever practicable, as the same lands may be described in the assessment roll of taxes of Erie county, in the current or preceding year, and shall charge or assess thereon to each piece or parcel of land, opposite to the name of the owner, and if the owner is unknown, then the words "unknown owner" shall be inserted in place of the owner's name, the equitable and just proportion of the damages and costs of such improvement, according to the proportion of benefits arising from said improvement, which assessment the said committee shall sign and return to the office of the select council with their report, as aforesaid, and the councils shall provide by ordinance

Damages, how to be assessed.

How to be borne.

for the correction and equalization of such assessment, and after the same shall have remained on file for the period of twenty days, and properly corrected and equalized, the mayor of said city shall issue his warrant to the collector of city tax, or to some other fit person, commanding him to collect and pay over to the city treasurer the said several sums so assessed, and which said sums shall be collected in the same manner as other taxes are by law collected: *Provided*, That no larger sum than ten per cent. on the valuation of any lands charged and assessed as aforesaid, shall be collected in any one year, which valuation the said committee appointed as aforesaid are hereby required to make in their aforesaid report: *And provided further*, That if the sum assessed on any piece of land, as aforesaid, shall exceed ten per cent. on the value thereof, the balance may be collected in the year following.

How to be collected.

Proviso.

Proviso.

Taxes, how to be appropriated.

SECTION 3. That the tax when so collected and paid into the city treasury, shall constitute a fund to be devoted and appropriated to the purpose for which it was collected and no other; the councils shall also have power if, from any error or informality, or from any other cause, any discriminating tax attempted to be levied has failed or shall fail to be collected, to review the same, and by proceedings under this act take such measures as may be necessary to secure the collection of said tax, and all damages to which individuals shall be entitled, in manner above stated, shall be paid out of the city treasury, within one month after the collection of the same.

Taxes, how collected.

SECTION 4. That if the sum or tax assessed upon any lot or piece of ground, as aforesaid, shall remain unpaid for a period of six months from the date of such assessment, or if sufficient personal property cannot be found thereon out of which the collector can make the money, or if the owner thereof has not sufficient personal property within the said city from which the said tax could be made, or if the name of the owner shall be unknown, then it shall be the duty of the said collector to return a list of the same, together with the sum due on each piece of land, to the select council of said city, and the clerk of said council shall make return thereof to the commissioners of Erie county, who shall proceed to have the same collected, in the same manner as other taxes on unseated lands are now collected: *Provided*, That the sale of any lot or piece of land made under the provisions of law for any tax assessed under the provisions of this act, shall be deemed and held good and sufficient, although the land so sold was not unseated.

Proviso.

Borough of Waterford.
Third street to be vacated.

SECTION 5. That so much of Third street, in the borough of Waterford, in the county of Erie, extending from Cherry street west through the public square, to Walnut street, be and the same is hereby vacated, and the burgess and town council of the said borough is hereby authorized and empowered to lay off for public use, streets from the north and south sides of the public square, in the borough aforesaid, which streets shall be of the width of seventy feet, including the twenty feet alleys already laid off, and shall extend along the north and south sides of said public square from Cherry to Walnut street; and shall also have power to enclose the public square on the east and west sides of High street, and lay out two parks, one on each side of said street, and beautify and ornament the same by setting trees and shrubbery therein, or otherwise, as they shall deem most expedient.

To lay out new streets.

May lay out parks.

Waterford and Marvin's plank road company, authority to borrow money.

SECTION 6. That the president and managers of the Waterford and Marvin's Plank Road company, in the county of Erie, be and they are hereby authorized and empowered to borrow any sum or sums of money (not exceeding in the whole seven thousand dollars) as they may deem necessary, at any rate of interest not exceeding six per cent.

per annum, for the payment of the debts of said company, and for the completion of the said plank road, and it shall be lawful for the president and managers of said plank road company to secure the money so borrowed by the bonds of the said company, signed by the president and countersigned by the secretary of said company, and redeemable at any time not exceeding ten years, or by a mortgage upon their road, as they shall deem expedient: *Provided*, That no bond shall be issued for a less sum than one hundred dollars. May issue bonds. Proviso.

SECTION 7. That the qualified electors of the township of Concord, in the county of Erie, shall hold their general, presidential, township and special elections, at the school house near Robert Heath's, in said township. Concord tp., Erie county elections in

SECTION 8. That it shall be lawful for the school directors of Concord township, in the county of Erie, whenever the same shall be necessary, to levy and assess upon all property now taxable by law for school purposes in any sub-school district in said township, any rate per cent. of special school tax not exceeding one per cent. upon the dollar of the assessed value of such taxable property in any one year, which tax shall be levied, collected and paid over to the school treasurer, in the same manner as school taxes are now by law collected and paid over, and the said special school tax shall be faithfully appropriated by the said directors to the building of a school house in such sub-school district from which the tax was raised, or to repairing or paying for such as are already built, and for no other purpose whatever. School directors may levy tax. How to be applied.

SECTION 9. That it shall be lawful for the road commissioners of Mill Creek township, in the county of Erie, to levy and assess in money any proportion of the road tax in said township not exceeding twenty-five per cent. thereof in any one year, and to collect and account for the same as is now provided by law. Millicreek tp., Erie county, may levy road tax.

SECTION 10. That the first election for officers in the borough of Darby, Delaware county, shall be held on the third Friday of May next ensuing the passage of this act, and annually thereafter on the third Friday of March, at the place of holding township elections for the township of Darby, or at such other place as the burgess and town council shall direct, and all the provisions of the act regulating boroughs, approved the third day of April, Anno Domini one thousand eight hundred and fifty-one, shall be applied to the borough of Darby, unless by the charter it is therein otherwise provided. Darby, Delaware county, elections in.

SECTION 11. That the qualified voters of the district of Belmont, in the county of Philadelphia, shall hold all borough, special and general elections, at the house of C. Smedley, Rising Sun inn, in said district. Belmont, Philadelphia county, elections in.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

294.

AN ACT

To incorporate the Conestoga and Manor Turnpike Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners. John Griffin, Charles W. Morris, Edward Hess, George Hess, George Ford, Abraham Peters, John S. Witmer, Daniel Harman, and Reuben Sourbeer, or any three of them, be and they are hereby appointed commissioners, to open books, receive subscriptions to stock, and organize a company, by the name, style and title of "The Conestoga and Manor Turnpike Road company," with full power and authority to locate and construct a turnpike road from the termination of the Manor turnpike road on the Conestoga road, in Manor township, Lancaster county, along the line of the present public road, or by any other route which may be deemed most advantageous, to Safe Harbor, in said county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto.

Style.

Location.

Capital stock. SECTION 2. That the capital stock of the said company shall consist of not more than five hundred shares, at fifty dollars per share, for the construction and completion of said turnpike road.

Commencement and completion of road. SECTION 3. That if the said company shall not commence the construction of the said road within five years after the passage of this act, and complete the same within seven years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of the company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—This eighteenth day of April, A. D., eighteen hundred and fifty-three.

WM. BIGLER.

No. 295.

AN ACT

To incorporate the Red Mountain Improvement company.

WHEREAS, William Donaldson, Christian E. Spangler, William Preamble. Raiguel, W. F. Wagenseller, William Colt, and N. V. R. Hunter, are the owners of certain coal lands in the townships of Frailey and Tremont, in the county of Schuylkill, and are desirous for the better management and improvement thereof; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Donaldson, Christian E. Spangler, William Raiguel, W. F. Corporators. Wagenseller, William Colt, N. V. R. Hunter, and other owners of said land, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name, style and title of "The Red Mountain Improvement company," and as such shall have power to take and hold land and real estate, in fee simple, in the counties of Schuylkill and Lebanon, not exceeding two thousand acres of coal lands in the aggregate, and the purposes and business of the said company shall be the proving and opening the veins of coal and other minerals on or in their land, constructing and erecting schutes, breakers, screens, houses, and fitting and preparing the said veins of coal and other minerals to be worked and leased, and the making and constructing of railroads over and upon their land, and the said company may from time to time make leases of the said veins of coal and other minerals which may be found in the land belonging to said company, and the said company, by the said name, is hereby declared and made capable in law to sue and be sued, implead and be impleaded, to have a common seal, to hold and convey such real and personal property as may be necessary to promote the objects and designs of the same, according to the true intent and meaning thereof, and the said company shall have all the rights, powers and privileges, and be subject to all the restrictions, provisions and liabilities conferred and imposed upon the Zerby's Run and Shamoken Improvement company, approved the twenty-fifth day of February, one thousand eight hundred and fifty: *Provided*, That the said company shall elect five directors for the management of the affairs of the same thereof, and fifteen days' notice of the said election shall be given in one newspaper published in Schuylkill county, and any others they may direct: *And provided further*, That this act shall not be so construed to confer upon the said company the privilege of mining and selling coal.

SECTION 2. That the capital stock of said company shall consist of one hundred thousand dollars, which may be extended by a vote of the shareholders, at a meeting called for the purpose, to any amount not exceeding one million of dollars: *Provided*, That the company shall pay to the State Treasurer for the use of the Commonwealth a tax of one half per cent. on its capital stock, in four equal annual instalments, the first whereof shall be paid in one year from the passage of this act: *And provided further*, That on any increase of the capital stock of said company a bonus of one half per cent. on such increase shall be

paid, in ten equal annual instalments, the first to be paid in one year after such increase.

Liability.

SECTION 3. That the stockholders of said company shall be jointly and severally liable in their individual capacities for all debts and liabilities contracted or incurred by the company.

Reservation.

SECTION 4. The Legislature hereby reserves the power to alter or repeal this act whenever in their opinion the same may be injurious to the public interests.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 296.

AN ACT

To incorporate the Kittanning Bridge company; to protect Orchards and Gardens in certain counties; and authorizing the Swatara Railroad company to construct a Branch Railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the time for the commencement and completion of the Kittanning bridge shall be ten years from the passage of this act.

Commencement
and completion
of road.

Name.

SECTION 2. That the corporate name of the president and managers of the Kittanning Bridge company for erecting a bridge over the Allegheny river at Market street in the borough of Kittanning, in the county of Armstrong, created by the act to which this is a supplement, shall be hereafter "The Kittanning Bridge company."

Interest.

SECTION 3. That the Kittanning Bridge company are hereby authorized to pay to the shareholders entitled to receive the same, semi-annually interest, at the rate of six per cent. per annum, on all instalments of stock, which interest shall be charged to the cost of construction, and continue to pay the same until the annual profits of the bridge yield six per cent.; the said stock and bridge shall not be subject to taxation until said bridge shall be completed and opened for travel.

Taxation.

Subscriptions to
capital stock.

SECTION 4. That the county of Armstrong, and the incorporated boroughs within said county, shall be and they are hereby severally authorized to subscribe to the capital stock of the Kittanning Bridge company, and to make payment on such terms and in such manner as may be agreed upon by the said company and the proper county or borough: *Provided, That* whenever bonds of the said county and boroughs are given in payment of subscription, such bonds shall not be

subject to taxation until the clear profits of said bridge shall amount to six per cent. upon the cost thereof: *Provided*, That no bond shall be issued of a less denomination than one hundred dollars. *Proviso.*

SECTION 5. That when the said Kittanning bridge is completed, the property of said bridge shall be vested in said company, their successors and assigns, forever, and in case of its destruction, in whole or in part, may be rebuilt or repaired by said company in whom the property therein shall be vested, as aforesaid, and that all portions of the acts to which this is a supplement inconsistent with this act, are hereby repealed. *Property in whom vested.*

SECTION 6. That from and after the passage of this act, any person in the counties of Indiana or Armstrong who shall wilfully cut, break, girdle, or otherwise injure any ornamental or fruit tree, vine or shrub, or who shall enter any orchard, garden or close, without the consent of the owner or owners thereof, with intent to take, injure or destroy any fruit or vegetables therein growing or being, or who shall injure or destroy any fruit or vegetables therein growing or being, without the consent of the owner or owners, as aforesaid, or who shall wilfully deface, injure, break or destroy any fence, wall or gate surrounding any orchard, garden or close, as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay a fine not less than five nor more than fifty dollars, or suffer imprisonment in the county jail, for not less than ten nor more than sixty days: *Provided*, That nothing herein contained shall prevent the injured party from pursuing any civil remedy authorized by law. *Fruit trees, &c., penalty for injuring. Proviso.*

SECTION 7. That the Swatara Railroad company is hereby authorized to construct branch railroads, not exceeding five miles in length, with either single or double track, from the main line of their road, to accommodate the owners of coal lands in its vicinity, and to extend their road so as to connect any lands which may be held or owned by them with any principal railroad or canal within that distance, and subject to the same conditions and restrictions as are imposed upon the said company under its original act of incorporation, approved the second day of April, one thousand eight hundred and thirty-one, and its several supplements; and that the second section of the further supplement, approved the sixth day of April, one thousand eight hundred and forty-eight, be and the same is hereby repealed. *Swatara railroad company, authorized to construct branches. Repeal.*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D., eighteen hundred and fifty-three.

WM. BIGLER.

No. 297.

AN ACT

Authorizing the Governor to incorporate the Wilkinsburg and Troy Farm Turnpike or Plank Road company; and relative to the Ridge Turnpike Road company.

- Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That James Kelly, Thomas Dickson, Samuel Dennison, James Swishelm, H. B. Mitchell, and H. W. Horbach, of Allegheny county, be and are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Wilkinsburg and Troy Farm Turnpike or Plank Road company," with power to locate and construct a turnpike or plank road in said county, commencing at the corner of Hay and Main street, in Wilkinsburg, and ending on the lands owned by Samuel Denniston, known as the Troy Farm, subject to all the restrictions and provisions of an act entitled "An Act regulating Turnpike and Plank Road companies," approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the supplements thereto, excepting, nevertheless, that portion of the thirteenth section of said act relating to tolls, which discriminates in favor of wheels of the width of four inches and upwards, and the said company shall have full power to regulate their tolls within the limits prescribed by the said thirteenth section of said act, without reference to the width of wheels in any case.*
- Style.**
- Subject to provisions and restrictions of certain act.**
- Capital stock. Proviso.** SECTION 2. That the capital stock of said company shall consist of two hundred shares, of twenty-five dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock so much as may be necessary in their opinion for the completion of the road, and to carry out the true intent and meaning of this act.
- Tolls.** SECTION 3. That whenever said company shall have finished one mile or more of said road, they shall have power to erect a gate or gates and receive tolls, agreeably to the provisions and restrictions of the thirteenth section of the act of twenty-sixth of January, Anno Domini one thousand eight hundred and forty-nine, aforesaid.
- Viewers.** SECTION 4. That the viewers to be appointed by the Governor, as authorized by the twelfth section of the act last aforesaid, may be appointed whenever the company hereby to be incorporated shall have finished one mile or more of said road.
- Commencement and completion of road.** SECTION 5. That if said company shall not commence the construction of their road within two years, and complete the same within three years from and after the passage of this act, then the same shall become null and void, except so far as may be necessary to settle up the affairs and pay the debts of the company.
- Ridge turnpike company.** SECTION 6. That so much of the proviso in the first section of the act of Assembly passed on the twenty-seventh day of May, one thousand eight hundred and forty, as prohibits the Ridge Turnpike company from continuing and maintaining any gate, turnpike or toll house within the limits of any borough in the county of Montgomery, and

from taking tolls at the same, and all fines and penalties thereto Tolls. attached, be and the same are hereby suspended for the space of one year from the date of the passage of this act.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 298.

A SUPPLEMENT

To an act incorporating the Canton and Athens Railroad company; and relative to the Cleveland and Mahoning Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for commencing the railroad authorized to be constructed by the Canton and Athens railroad company, by an act approved March and completion twenty-fourth, one thousand eight hundred and fifty-one, be and the of road. same hereby is extended to three years from the passage of this act, and the time for completing said railroad is hereby extended to five years thereafter, and said company shall have power to increase the capital twenty thousand additional shares of stock, at fifty dollars each.

SECTION 2. That said Canton and Athens railroad company is hereby Authorized to authorized to construct branch or lateral railroads, to extend to the construct coal mines in Franklin and Monroe townships, in the county of Brad- branches. ford, and also to extend a branch road from any point upon the route whereon they are now authorized to locate their road, through the counties of Bradford and Susquehanna, to connect with the Delaware, Lackawanna and Western railroad, at any point in the county of Susquehanna or Wyoming: *Provided,* That a tax shall be imposed on all *Proviso.* tonnage except bituminous coal, passing over so much of said road as runs in the same direction of the North Branch canal, at the same rate, on the same terms, and subject to the same conditions, limitations and restrictions, as are now or may hereafter be provided by law for the Pennsylvania railroad, and the Susquehanna railroad.

SECTION 3. That Burton Kingsbery, Charles Comstock, and C. H. Additional Herrick, be additional commissioners to those named in the act to which commissioners. this is a supplement.

SECTION 4. That said company be and they are hereby authorized Authority to to borrow money, to an amount not exceeding the capital stock of said borrow money. company, upon bonds to be issued by said company, secured by mortgage upon so much of the corporate property as shall be deemed ad-

Proviso.

quate for the purpose of such security, whenever the said president and directors shall deem the issue of such bonds expedient: *Provided*, That the rate of interest on said bonds shall not exceed seven per centum per annum, and that said bonds shall be convertible into the stock of the said company at the option of the holder or holders of said bonds, and that no bond shall be issued for a sum less than one hundred dollars.

Interest on instalments.

SECTION 5. That the president and directors of said company are hereby authorized to pay to the stockholders, in the months of January and July in each year, interest at the rate of six per centum per annum on all instalments paid by them, and to continue to pay the same until the road shall be completed, and all the profits or earnings of the said railroad within the said time, shall be credited to the cost of construction, and all interest paid shall be charged to the cost of construction, but no interest shall be paid on any share of stock upon which any instalment that has been called for remains unpaid, and the stock of said company shall not be subject to any tax in consequence of the payment of the interest hereby authorized, nor until the net earnings of the company shall amount to at least six per centum per annum upon the capital invested.

Connecting railroads may subscribe to stock.

SECTION 6. That any railroad company connecting with the said Canton and Athens railroad, at either extremity thereof, or with its branches, is hereby authorized to subscribe to the capital stock of the same, and secure the payment of such subscriptions by issuing of bonds not less in amount than one hundred dollars: *Provided*, That no such subscription shall be made except by express assent of a majority of the whole number of directors of such subscribing railroad, and that the whole amount of subscriptions under and by virtue of this section, shall not exceed one-third of the whole amount of the subscribed stock of the said Canton and Athens railroad company.

New Castle subscription of stock, to Cleveland and Mahoning railroad.

SECTION 7. That the subscription authorized to be made by the town of New Castle, or the citizens thereof, to the Cleveland and Mahoning railroad, by the first proviso in the fifth section of the act incorporating said company, approved the eleventh day of February, one thousand eight hundred and fifty-three, be and the same is hereby construed to mean a subscription in stock, and the said company is hereby released from any obligation to run their express passenger cars to the town of New Castle.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 299.

AN ACT

To incorporate the Moorfield Cemetery ; to direct the Canal Commissioners to assess certain damages ; to the estate of Casper P. Lukens ; relative to Land and Building associations ; and to the Sheriff of Crawford county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That J. Corporators. W. Ormsby, John Welsh, James Campbell, Jacob Hann, junior, James Satterfield, senior, Michael C. Trout, Sealy Kastor, Henry Hofins, John Thompson, Andrew Shilling, Samuel M'Bride, and Hugh Love, and their successors, be and they are hereby created a body politic and corporate in law, by the name, style and title of "The Moorfield Cemetery," and by that name shall have perpetual succession, and be able to sue and be sued, in any court of law or equity, and may have and use a common seal, and the same at their pleasure to alter or renew, Seal. and shall take, hold and enjoy, to them and their successors, all that certain piece of land heretofore set apart, granted and let out by Samuel Stokely, to be used as a burial ground and church for the use of the neighborhood, and being part of a large tract of land granted to John Rankin, containing about five acres, the right and title to which is hereby declared to be vested in the corporation created by this act ; and the said corporation shall have authority to receive gifts or bequests for the purpose of ornamenting or improving said cemetery, and to hold such personal property as may be necessary to carry out the object of this act. Name and Style.

SECTION 2. That the affairs of the said corporation shall be conducted by a president and six managers, who shall be elected by a majority of the votes of the members of the corporation, on the first Monday of June in each and every year, at such place as a majority of the managers shall designate, of which election ten days' notice shall be given by at least three printed or written handbills, and in case no election shall be held at the time aforesaid, the officers of the preceeding year shall continue in office until an election shall be held ; the said president and managers, a majority of whom shall constitute a quorum for the transaction of business, shall fill all vacancies that may occur in their own body by selecting a lot-holder to supply such vacancy, and shall have power to lay out and ornament the aforesaid piece or lot of ground, to erect such buildings thereon as may be necessary for the enjoyment of the same, to lay out, sell and dispose of burial lots, to appoint a treasurer and all other necessary officers, and fix their several duties and compensation, and to make such by-laws and regulations as they may deem proper for conducting the affairs of the corporation for the lot-holders and visitors to the cemetery, and for the transfer of lots and the evidence thereof, for the regulation of burials, the improvement of burial lots, the erection of grave stones, monuments, and sepulchral structures, and the inscriptions on the same ; and it shall be the duty of the said board of managers to cause a record of their proceedings to be kept, and to make report of the same and of the state of the finances at each annual meeting of the corporation, and as much oftener as may be required by a majority of the corporators : *Provided, That until an* Officers how to be elected. Quorum. Duties of managers. Proviso.

election takes place for president and managers, the aforementioned corporators shall act as a board of managers, and elect one of their number as president, five of whom shall constitute a quorum, and shall be invested with all the authority as a president and managers duly elected as hereinbefore provided.

Exemption
from execution
and taxation.

SECTION 3. That every lot conveyed in said cemetery shall be held by the proprietor and his heirs for the purpose of sepulture alone, transferable with the consent of the president and a majority of the managers, and shall not be subject to attachment or execution, and that the said cemetery shall hereafter be forever exempt from taxation.

When officers to
be elected.

SECTION 4. That as soon as the money received from the sale of lots in said cemetery shall be sufficient to pay the money expended by the persons hereby incorporated, with interest, and the expenses that shall have been incurred by them in laying out, enclosing and improving the grounds and erecting the necessary buildings, then each lot-holder shall become a member of the corporation, and have a right to vote for the officers thereof, and at all elections held thereafter under this act, each member of the corporation shall be entitled to one vote and no more.

Powers.

SECTION 5. That the corporation hereby created shall have power to lay off and sell burial lots on any portion of the before mentioned lot of five acres, and shall, after deducting expenses, expend the proceeds of such sales in ornamenting and embellishing and fencing the said lot, and otherwise keeping the same in proper order, and shall also mark off and keep a portion of the same as a burial ground for those whose families are either unable or unwilling to purchase lots, and shall also permit, in all time to come, the use of the house erected thereon to be used as a house of worship by the members of the denomination which formerly worshipped therein.

Uses.

New road on
Allegheny Por-
tage Railroad,
damages on.

SECTION 6. That it shall be the duty of the Canal Commissioners to appraise the damages done to private property by reason of the construction of that portion of the new road to avoid the inclined planes on the Allegheny Portage railroad which has been opened for transportation, and make report to the next Legislature: *Provided*, That no claim shall be examined where further damages likely to accrue to the claimant in the completion of said road, and when damage has been done jointly by the State and the Pennsylvania Railroad company, the Canal Commissioners shall only allow a fair proportional share of such damages.

Proviso.

Trustees
authorized to
sell real estate.

SECTION 7. That Abraham L. Pennock, Casper W. Pennock and George Pennock, trustees of the estate of Casper P. Lukens, under the will of Isabella L. Pennock, deceased, be and they are hereby authorized to sell and convey a certain lot of ground on the north side of Spring Garden street, in the county of Philadelphia, at the distance of sixty-nine feet west of Delaware Seventh street, containing in front on said Spring Garden street thirty-four feet by one hundred and fourteen feet three inches, more or less, to Wistar street, unto any purchaser or purchasers thereof in fee simple, without any obligation on the part of the purchaser to see to the application of the purchase money: *Provided*, That it shall be the duty of said trustees to invest and hold the proceeds of said sale upon the same trusts, and with the same limitations, duties and powers, as they now hold said premises.

Proviso.

Land and Build-
ing associations.

SECTION 8. That the provisions of the fifth section of the act relative to Land and Building associations, approved on the seventh of March, A. D. one thousand eight hundred and fifty-three, be and the same are hereby extended to all Land and Building associations incorporated under the laws of this Commonwealth.

SECTION 9. That hereafter the existing law shall be construed so as to allow the sheriff of Crawford county for each and every day necessarily occupied in the annual selection of jurors, the same compensation and no more than is allowed as daily pay to the county commissioners engaged in like services with said sheriff, and to be paid out of the county funds.

Sheriff of Crawford county, fees for selecting jurors.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 300.

A N A C T

To incorporate the Patterson, Johnstown, Peru Mills, and Concord Plank Road company; relative to the Birmingham and Pittsburg Bridge company; to the Susquehanna Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Robert C. Galliher, Andrew Parker, E. S. Doty, W. W. Wilson, John J. Patterson, James North, D. H. Lusk, John P. Shitz, William Miller, John S. Miller, Jacob Lemon, John Brubaker, Samuel Allen, John J. Hart, Neal M'Coy, William Okeson, Joseph S. Laird, Samuel Crawford, Stewart M. Colloch, William Johnson, William Elder, Daniel Skinner, Samuel Holliday, Sylvester Doyle, Oliver M'Curdy, John Alexander, William H. Patterson, Joseph Berry, George Noss and Joseph Slaymaker, all of Juniata and Franklin counties, or any five of whom, shall have power to exercise all the powers hereby conferred, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Patterson, Johnstown, Peru Mills and Concord Plank Road company," with power to construct a plank road from the borough of Patterson, in Juniata county, via. Johnstown and Peru Mills, to Concord, in Franklin county, with the privilege to extend the same to the town of Fanettsburg, in Franklin county, by the nearest and best route or routes the stockholders may determine upon, subject to all the provisions and restrictions of an act entitled "An Act regulating Turnpike and Plank Road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, excepting that portion of the thirteenth section of said act relating to tolls, which discriminates in favor of wheels of four inches and upwards, and that portion of the eleventh section of

Commissioners.

Style.

Location.

Subject to provisions of certain act.

Tolls.

said act which provides that the track of plank roads erected under its provisions shall in no case rise or fall more than will form an angle of three and one half degrees with a horizontal line; and the company hereby incorporated shall have power to regulate their tolls without reference to the width of the wheels in any case, and without reference to the tolls taken by any bridge company whose bridge may be used in the route of the said road, and also to lay the track or bed of their road at any angle not exceeding four degrees with a horizontal line, and where the ground on the route of the said road shall be so hard and compact as to make a good road without any covering of wood or plank, or where the same can be made hard without such covering, it shall be lawful to construct the said road at such points without any covering of wood or plank; and the same shall forever thereafter be kept and maintained in good repair by the said company, except, however, where the same passes through incorporated towns.

Capital stock.
Proviso.

SECTION 2. That the capital stock of said company shall consist of four thousand shares, of twenty-five dollars each: *Provided*, That the said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the said road and carry out the true intent and meaning of this act.

May use bridges
and other roads.

SECTION 3. That it shall be lawful for the said company to make use of any county bridge on the line of the route of their road, and also use and occupy the whole or any part of any public street or road, and locate their road upon the ground occupied by any public street or road, and the courts of quarter sessions of the respective counties through which the road of the said company shall pass, shall appoint viewers to view and vacate such parts of any public road as shall be used or rendered useless by the said company, as is provided by the general road laws of this Commonwealth in said counties, in the case of roads which have become useless.

Commencement
and completion
of road.

SECTION 4. That if the said company shall not commence the construction of the said road within three years from the date of the passage of this act, and complete the same within ten years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of said company.

Toll gates.

SECTION 5. That the said company shall have authority to erect toll gates after five miles of the said plank road are completed.

17th section of §
certain act re-
pealed.

SECTION 6. That the seventeenth section of the act entitled "An Act authorizing the Governor to incorporate a company to erect a bridge over the Monongahela river at the borough of Birmingham, in the county of Allegheny, with power to construct a turnpike road from the south end of Denman street in said borough, to intersect the Monongahela and Coal Hill Turnpike road," approved the third day of April, Anno Domini one thousand eight hundred and thirty-seven, be and the same is hereby repealed.

Style.

SECTION 7. That the said corporation shall hereafter be known by the name, style and title of "The president and managers of the Birmingham and Pittsburg Bridge company," and by that name shall have all the privileges and franchises, and be subject to all the limitations and restrictions, conferred and imposed upon it by the original act of incorporation and the several supplements thereto, except so much of said original act as authorizes and requires the said corporation to construct a turnpike road as mentioned in the seventeenth section of said act.

SECTION 8. That any county or other corporation that shall be possessed of four thousand shares or more of the capital stock of the

Susquehanna Railroad company, shall in lieu of voting at the general elections of said company, be entitled to elect by the constituted authorities thereof, one director for each and every four thousand shares held by said county or other corporation, and so much of the first section of the supplement to the act incorporating the Susquehanna Railroad company, passed the twenty-fourth day of April, one thousand eight hundred and fifty-two, as is hereby altered or supplied, be and the same is hereby repealed.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 301.

A N A C T

To incorporate the Methodist Episcopal Church in the borough of Millersburg, Dauphin county; and relative to the appointment of Auctioneers in the borough of Harrisburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the Methodist Episcopal Church of the borough of Millersburg, in the county of Dauphin, be and they are hereby constituted and formed into a body politic and corporate, in deed and in law, by the name, style and title of "The Methodist Episcopal Church of the borough of Millersburg, in the county of Dauphin," and by the same name to have perpetual succession, and to be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and in equity to take and to hold lands and tenements, goods and chattels, of whatsoever nature, kind and quality, real, personal or mixed, which are now or hereafter shall become the property of said Methodist Episcopal church of the borough of Millersburg, by gift, grant, bargain, sale, conveyance, assurance, will, devise, bequest, or otherwise, by any person or persons capable of making the same, and the same to grant, bargain, sell, convey, mortgage, improve and dispose of, for the use of said church: *Provided,* That the yearly income of real and personal estate of said corporation shall not at any one time exceed three thousand dollars, and shall not be appropriated to any other than benevolent or religious uses: *And provided also,* That no sale of any real estate belonging to said corporation, or which shall hereafter become the property of said corporation, shall be lawful, unless such sale shall have been approved by a majority of the male members of said corporation, called for the purpose, notice

of which meeting shall have been publicly given from the pulpit on the Lord's day, at least one week previous, a record of the proceedings of which meeting shall be kept by the secretary of the board of trustees, in a book containing the records of the meetings of said trustees.

Trustees.

SECTION 2. That the temporal affairs of said corporation shall be managed by nine trustees, five of whom shall constitute a quorum for the transaction of business; said trustees shall be elected as hereinafter provided: The following named persons shall be trustees, to wit: Leonard Steever, John M'Clane, Samuel Gilbert, George Singer, George M. Brubaker, Frederick R. Gilbert, Joseph Meech, Henry Frank, and Benjamin G. Steever, from and after the passage of this act until the first Saturday in January one thousand eight hundred and fifty-four, and until the first election shall have been held under this act, on which day the male members of said corporation shall elect by ballot nine trustees, three for three years, three for two years, and three for one year, the term of service to be designated by the electors on their ballots, and their places respectively shall be supplied by the annual election on the first Saturday in January of three persons to serve for three years; and if said corporation neglect on said day annually to hold their elections, as is hereinbefore directed, the said corporation shall not be dissolved, but a majority of the trustees may appoint any subsequent day on which the election may be held, according to the provisions of the third section of this act.

Elections.**Notice to be given.**

SECTION 3. That all elections for trustees under this act shall be held in the house of worship used and occupied as such at the time by said corporation, and notice of each election shall be given publicly from the pulpit on the Lord's day immediately before or after divine service, by the minister officiating or by some other person, at least one week previous to the time of holding such election.

Who are eligible as trustees.

SECTION 4. That no person shall be eligible as a trustee of said corporation, who is not at the time of his election a resident of the State of Pennsylvania, over twenty-one years of age, and who shall not have been for at least one year next preceeding his election a member of said church, nor shall any person hold and exercise the office of a trustee after he shall have ceased to be a member of said church, and no person shall be entitled to vote at any election for trustee, or at any other election held under this act, except the male members of said Methodist Episcopal church of the borough of Millersburg over the age of twenty-one years and in full connection with said church.

Officers.

SECTION 5. That the trustees shall within ten days after their election, meet and organize by electing from among their number a president a secretary and a treasurer, to serve the ensuing year: *Provided*, That the said trustees may at any time remove any of said officers and elect others, when in their opinion the interests of the corporation require it.

Proviso.**Vacancies.**

SECTION 6. That if any vacancy shall occur in the board of trustees by reason of death, or from any other cause, the vacancy or vacancies shall be supplied by the remaining trustees until the next annual election.

By-laws.**Proviso.**

SECTION 7. That the board of trustees and their successors shall have power to enact and enforce such by-laws, ordinances, and rules of order, as may be proper and necessary for the transaction and regulation of the business of said corporation: *Provided*, That such by-laws, ordinances, and rules of order, shall not conflict with the constitution and laws of this State or of the United States, nor with the doctrine and discipline of the Methodist Episcopal church in the United States.

SECTION 8. That any and all persons who shall hereafter become Privileges. members of the Methodist Episcopal church of the borough of Millersburg, shall, while they continue to be members of said church, be entitled to all the privileges and subject to all the restrictions as those who are members of said church at the passage of this act, saving to every member the right to withdraw from said corporation at any time.

SECTION 9. That the title to all real and personal estate and pledges May hold real now held, owned or possessed, in trust or otherwise, by trustees, for estate. the use of the said Methodist Episcopal church of the borough of Millersburg, at and immediately before the passage of this act, be and is hereby absolutely vested in the corporation created by this act, and the said corporation shall be liable for all debts due, owing or payable, in like manner as if said debts had been created after the passage of this act.

SECTION 10. That the trustees of said corporation shall keep a book Books of record. in which shall be transcribed a copy of this act, and a copy of all by-laws, ordinances and rules of order hereinafter passed by them, and also a record of the proceedings of all meetings of said trustees, and of all business meetings of said corporation, which shall at all reasonable hours be open for inspection upon demand made by any member of the corporation.

SECTION 11. That from and after the passage of this act, the Gov- Harrisburg, auc- ernor be and he is hereby authorized and empowered to appoint and tioneers in, to be commissioned, in the borough of Harrisburg, in the county of Dauphin, as Auctioneers, who are hereby authorized to sell at public auction, at such times and places as either of them may select, and in any quantity, all kinds of goods, wares, merchandise, lands, tenements, and all other kinds of property not herein named; and each of said auctioneers so appointed shall, before exercising any of the powers or privileges incident to said appointment, pay into the county treasury for the use of the Commonwealth, the sum of twenty-five dollars for his commission; and each and every auctioneer appointed under the provisions of this section, shall pay into the county treasury for the use of the Commonwealth, one per centum upon all sales exceeding in amount the sum of ten thousand dollars per annum.

SECTION 12. That if any person not commissioned and authorized Penalty. as aforesaid, shall, after the passage of this act, make sale by auction or public outcry of any merchandise, estate, or property whatever, or shall in any manner use or exercise the business or occupation of an auctioneer within the limits of said borough of Harrisburg, he shall, upon conviction thereof, for every such offence, forfeit and pay not less than one hundred nor more than three hundred dollars, to be recovered in any court having jurisdiction thereof, as debts are by law recoverable, one-half for the use of the directors of the poor of the county of Dauphin, and the other half for the use of the Commonwealth.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 302.

AN ACT

For the relief of Catharine Rhine, widow of George Rhine, a soldier of the Revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer be and he is hereby authorized and required to pay to Catharine Rhine, of Allegheny county, widow of George Rhine, a soldier of the Revolutionary war, or to her order, an annuity of forty dollars during life, to be paid half-yearly, commencing on the first day of January, one thousand eight hundred and fifty-three.*

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 303.

A FURTHER SUPPLEMENT

To the act relative to the Union Canal company.

Preamble.

WHEREAS, The Union Canal company of Pennsylvania, being desirous of widening their canal from the Swatara to the Schuylkill, so as to admit of the passage of the largest sized Pennsylvania canal boats, are endeavoring to procure the means for so doing :

Preamble.

And Whereas, It is desirable that the Commonwealth should aid this ancient improvement as an important link in the chain of her internal improvements, which when enlarged, will afford uninterrupted canal navigation within her own limits from the Juniata, West and North Branch divisions of her canals, to tide water : therefore,

Boats and tonnage.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all boats and articles of tonnage passing over any portion of the State canals to or from the Union canal, shall always be placed upon the most favorable terms in all respects allowed to the same articles of tonnage passing over the canals of the State.*

SECTION 2. That the capital stock and assets which now are, and Exemption
evidences of indebtedness of said Union Canal company which may from taxation.
hereafter be liable to taxation, shall be and the same are hereby ex-
empted from such taxation within this Commonwealth for the term of
twenty years.

SECTION 3. That all incorporated companies connecting with or Other incorpo-
interested in said Union Canal company, may subscribe to the capital rations may sub-
stock or loan to be created for the purpose of widening said canal: scribe to stock.
Provided, No certificates of loan shall be issued by the Union Canal
company for a less sum than one hundred dollars.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight
hundred and fifty-three.

WM. BIGLER.

No. 304.

AN ACT

Relating to the Sale and Conveyance of Real Estate.

WHEREAS, The general welfare requires that real estate should be Preamble.
freely inalienable, and be made productive to the living owners thereof:

And Whereas, In matters which the judiciary is competent to hear Preamble.
and decide, it is expedient that the courts should adjudicate them after
a full hearing of all parties, rather than that they should be determined
by special legislative acts upon an *ex parte* hearing:

SECTION 1. *Be it enacted by the Senate and House of Represen-*
tatives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same, That
in all cases where real estate shall have been acquired by descent or Courts of Com-
last will, the orphans' court, and in all other cases the courts of com- mon Pleas, to
mon pleas, of the respective counties of this Commonwealth, shall have have jurisdic-
jurisdiction to decree the sale, mortgaging, leasing or conveyance upon tion, &c.
ground rent of such real estate in the cases hereinafter described:
Provided, That any such court in the county where the premises shall *Proviso.*
be situated, shall be of opinion that it is for the interest and advantage
of those interested therein, that the same should be sold, mortgaged,
leased or let on ground rent, and may be done without injury or preju-
dice to any trust, charity, or purpose for which the same shall be held;
And provided, That the same may be done without the violation of *Proviso.*
any law which may confer an immunity or exemption from sale or
alienation.

SECTION 2. That such sale, mortgaging, leasing, or conveyance upon
ground rent, may be decreed whenever real estate shall be held for or

Decree in case of sale, mortgaging, &c., on ground rent.

owned by minors, lunatics or habitual drunkards, so duly found by inquisition, for the sole and separate use of married women, for religious, beneficial or charitable societies or associations, incorporated or unincorporated, or for or by any other corporation, or by trustees for any public or private use or trust, and although there may exist a power of sale, but the time may not have arrived for its exercise, or any preliminary act may not have been done to bring it into exercise or the time limited for its exercise may have expired, or any one or more persons required to consent or to join in its execution may have become non compos mentis, or have removed out of the State, or died, or should refuse to act, or unreasonably withhold consent; also, when there has been or shall be a defective appointment in any deed, or last will and testament, and the necessary power is not given to the executor, devisee or appointee, to make sale and conveyance of real estate; also, whenever the owner of real estate may have been absent and unheard from for seven years, under those circumstances from which the law would presume his or her death, whenever a husband shall own real estate having a wife who is a lunatic, or a minor, whenever a married woman owns real estate and her husband has abandoned her for two years, or been absent and unheard from for seven years, whenever a decedent shall have contracted by parol to sell real estate, and those interested do not think it expedient to plead the statute requiring contracts to be in writing to enable the purchaser to recover the real estate agreed to be sold, whenever a decedent's real estate is subject to the lien of debts not of record, whenever real estate shall be entailed, or contingent remainders or executory devises shall be limited therein, or whenever in proceedings in partition in equity it shall appear that real estate cannot be divided without prejudice to the interests of the owners, and also whenever real estate shall have been purchased or any ground rent been reserved, and be held by any person acting in a trust or fiduciary capacity, and such decree may be made, whether such ownership or interest shall be held or enjoyed in severalty, joint tenancy, coparcenary or in common with others, and generally in all cases where estates have been or shall be devised or granted in trust or for special or limited purposes, or where any party interested therein is under a legal disability to sell and convey the same: *Provided*, That nothing in this act contained shall be taken to repeal or impair the authority of any act of Assembly, general or private, authorizing the sale of real estate by decree of court or otherwise, nor to affect or impair any right or powers otherwise existing in any persons or corporations to sell, mortgage, lease, or let on ground-rent, any real estate, and every power to sell in fee simple real estate created by deed or will, shall be taken to confer an authority to sell and convey, reserving a ground rent or rents in fee, and the same to release and extinguish according to law and the stipulation of the deed, and also to grant and convey such ground rent or rents to any purchaser or purchasers thereof, free of all trusts.

Proviso.

Decree may be made on petition of trustee, guardian, &c.

SECTION 3. That such sale, mortgaging, leasing or conveyance upon ground rents, may be decreed on the petition of any trustee, guardian, committee or person interested, clearly setting forth the facts needful for the information of the court under oath or affirmation, and if all proper parties shall not have voluntarily appeared as petitioners or respondents, the court shall fix a day for parties to appear, and cause a citation to be served on all persons in being who shall not have appeared, and who shall have any present or expectant interest in the premises, warning them to appear, and that they shall be heard on the day designed, and for those who cannot otherwise be served, cause ad-

vertisement to be made in manner most likely to afford notice, and service made in any part of the United States and the territories thereof, with oath or affirmation of the fact, taken before any judge or justice of the peace, and filed of record, shall be good service, and guardians shall be served and appear for their wards, and if minors shall have no guardian, the court shall appoint a guardian for them; committees shall be served and appear for lunatics and habitual drunkards, and husbands shall be served and appear with their wives, except husbands who shall have abandoned their wives for two years, or been absent and unheard from for seven years, and if parties make default in appearing, the court after investigation of the facts may proceed to make a decree in the premises: *Provided*, That in case of the appointment of a guardian by the court, and the payment over of money to him, or of the payment of money to any former guardian, the court shall take adequate security for the faithful application of such money, and before the payment of any money to any guardian not within the court's jurisdiction, the court shall be duly notified that adequate security has been given to the court having jurisdiction over him, whether within or without this Commonwealth. Proviso.

SECTION 4. That such sales, mortgages, leasing and letting on ground rent, shall only take place after full and careful investigation by the court, aided when deemed necessary, by the report of a competent person, to be appointed by the court, and shall be made by trustees, executors, administrators, guardians, committees, or owners having a present vested interest, as the court may order, and be under the direction and subject to the approval of the court before which the deed shall be acknowledged, and be certified under seal to have been acknowledged, and all absolute sales in fee simple (except as hereinafter provided) shall be by public sale or vendue, and may be either entirely for cash, or partly on credit and partly for cash, after full advertisement for at least twenty days, by hand-bills posted in at least twenty of the most public places in the city or county where the premises shall be situated, and in at least two newspapers, not less than three times in each: *Provided*, That if the court shall be of opinion that under the circumstances a better price can be obtained at private than at public sale, as where the interest be undivided, or for other sufficient cause, the court may approve and decree a private sale, and such mortgaging, leasing and letting on ground rent, shall be upon terms and at rates to be approved by the court, and the specific execution of the contracts of decedents upon the terms and at the price proved or admitted to have been agreed upon by the parties, but no such private sale, leasing or letting on ground rent, shall be upon terms or at rates less favorable than others, who, of competent ability to contract and uniting in the sale of undivided interests, shall accept; and it shall be the duty of the court in decreeing sales, leases and conveyances upon ground rent of real estate, to order the premises, if necessary, to be so subdivided as to command the highest price or greatest rents, and for such purposes, where the premises may admit of or require it, shall have power to lay out roads, streets and alleys, and to vacate such as shall not have been paid for, or received into actual use by the public, if found to be inconvenient, and to make an unprofitable division of the property: *And provided further*, That no sale or sales shall be ordered or made under the provisions of this act, in any case, until security, to be approved by the court of common pleas or orphans' court, be given in at least double the value of the interest proposed to be sold. Proviso.

SECTION 5. That the title of purchasers under all such sales, mortgages, or conveyances upon ground rent, shall be a fee simple title,

Title under said sales to be a fee simple title.

indefeasible by any party or persons having a present or expectant interest in the premises, and be unprejudiced by any error in the proceedings of the court, and by every such public sale the premises sold shall be discharged from all liens, and every such sale, and every conveyance in fee simple upon ground rent, shall have all the effect of any other proceeding or conveyance now authorized by law and strictly conducted to a final conclusion, to bar any estate tail, and to defeat contingent remainders, and in such case shall vest in the tenant in tail, or particular tenant, whether minor, feme covert, or otherwise, who after such proceeding or conveyance might have become entitled to the absolute fee simple title, the absolute right to the purchase money, and the ground rents reserved; and such sales and conveyances on ground rent shall also bar any right of the Commonwealth to forfeit real estate that may have been held by or for any corporation beyond what has been authorized, if no proceeding to procure a forfeiture shall have been commenced before petition filed for a sale or letting on ground rent: *Provided*, That the petition shall set forth an explanation of the title, and of the purpose to bar the entail defeat the contingent remainder or the right of the Commonwealth to have inquisition for any estate defeasible as aforesaid: *And provided*, That the purchase money or rent reserved shall be a lien on the premises sold or let, until fully paid according to the decree of the court.

Proviso.

Proviso.

Purchase money, &c. substituted for real estate sold.

SECTION 6. That the purchase money, or mortgage money, ground or other rent reserved, shall in all respects be substituted for the real estate sold, mortgaged, or let, as regards the enjoyment and ownership thereof, after the payment of liens, and shall be held for or applied to the use and benefit of the same persons, and for the same estate and interest, present or future, vested, contingent, or executory, as the real estate sold, mortgaged, or let, had been held, except only such remainders, after an entailment or contingent remainders, as shall have been barred or defeated as aforesaid, and those entitled to a present interest in such real estate, shall receive the interest of the proceeds or rents thereof, unless expressly directed to accumulate: *Provided*, That no principal moneys raised by sale or mortgage, as aforesaid, shall be expended for any other purpose than for the payment of liens upon or the improvement of the same real estate when mortgaged, or other real estate when held for the same uses and persons, unless the same be required for the maintenance or education of parties having the like interests vested or expectant, and can be equally and equitably so applied, and without diminution of the capital that may of right become the property of parties having unbarred interests or title in remainder, or by executory devise, and it shall be the duty of the court to decree the proper application of all purchase or mortgage moneys and rents, with the aid of an auditor, when deemed necessary, to the discharge of liens and to parties interested, as and when they may be entitled, and before any decree shall be executed, the person or persons entrusted to execute the same, shall give adequate security to the Commonwealth, to be approved by the court, conditioned for the faithful execution of the trust and proper application of all moneys to be received, according to the trust and decree of the court, which security shall enure to the benefit of all parties interested, and such security being so given, no purchaser or lessee shall be bound to see to the application of the purchase money or rents, or be in any manner liable to or affected by the former trusts or limitations upon the premises.

Proviso.

SECTION 7. That it shall be lawful for trustees, guardians, committees, married women, and corporations, in all the cases aforesaid,

under the decree of the court as aforesaid, and with the like effect and indemnity to them in acting thereunder, to make and take conveyances by deed, acknowledged in court, without public sale, in order to square and adjust lines between adjoining owners, to make and take conveyances, to perfect the partition of real estate held in joint tenancy, coparcenary, or in common with others, to purchase other real estate, when needful, to that already owned by any such party, or useful to the business thereupon carried on, or when necessary, to protect any security or rent held on property exposed to judicial sale: *Provided*, That no corporation shall be so authorized to purchase beyond its charter license: *And provided*, That no purchase or sale by authority of this act, shall change the course of descent or transmission of any property changed in its nature by virtue thereof, as respects persons who are not of competent ability to dispose of it, and all persons entrusted with moneys raised under this act shall be authorized to file their accounts in the court whence their authority was derived, and upon such notice as the court may order to parties interested, or after being audited, if deemed necessary, or by consent of all parties interested, such accounts may be finally confirmed, and upon payment of the balance, as may be decreed by the court, such accountants may be fully discharged from the trust.

Trustees, &c. to make and take conveyances by deed.

Proviso.

Proviso.

SECTION 8. That in all cases and proceedings under this act, appeals may be taken to the supreme court from the orphan's court, as now provided by law in other cases, and in the court of common pleas, as provided in equity cases, in the respective counties of the State: *Provided*, That if any decree be carried into execution before the appeal be perfected, and written notice thereof given to any vendee, mortgagee, or lessee, any reversal thereof shall not affect the right or title of such vendee, mortgagee, or lessee, but the purchase or mortgage moneys or rents shall stand in lieu of the premises sold or mortgaged, or leased, so far as thus encumbered: *Provided further*, That before any decree be carried into effect to afford such indemnity, twenty days be allowed from its entry to take and perfect such appeal.

Appeals may be taken to supreme court.

Proviso.

Proviso.

SECTION 9. That no person or persons shall, after the passing of this act, by any deed, will, or otherwise, settle or dispose of any real or personal property, so and in such manner that the rents, issues, interest, or profits thereof, shall be wholly or partially accumulated for any longer term than the life or lives of any such grantor or grantors, settler or settlers, or testator, and the term of twenty-one years from the death of any such grantor, settler, or testator, that is to say, only after such decease during the minority or respective minorities with allowance for the period of gestation of any person or persons, who, under the uses or trusts of the deed, will, or other assurance directing such accumulation, would, for the time being, if of full age, be entitled unto the rents, issues, interests, and profits so directed to accumulate, and in every case where any accumulation shall be directed otherwise than as aforesaid, such direction shall be null and void in so far as it shall exceed the limits of this act, and the rents, issues, interests and profits, so directed, to be accumulated contrary to the provisions of this act, shall go to and be received by such person or persons as would have been entitled thereto if such accumulation had not been directed: *Provided*, That any donation, bequest, or devise, for any literary, scientific, charitable, or religious purpose, shall not come within the prohibition of this section, which shall take effect and be in force, as well in respect to wills heretofore made by persons yet living and of competent mind, as in respect to wills hereafter to be made: *And provided*, That notwithstanding any direction to accumulate

Prohibition as to the disposal of real or personal property.

Proviso.

Proviso.

rents, issues, interests, and profits, for the benefit of any minor or minors, it shall be lawful for the proper court as aforesaid, on the application of the guardian, where there shall be no other means for maintenance or education, to decree an adequate allowance for such purpose, but in such manner as to make an equal distribution among those having equal rights or expectations, whether at the time being minors or of lawful age.

Directions contained in 6th section, to apply in certain cases.

Proviso.

SECTION 10. That the directions given in the sixth section of this act in regard to the security to be given in cases of sales, mortgage, or letting of real estate, and the condition of the bond or security therein prescribed, shall apply to all cases of sales or mortgage of real estate by order of the courts of this Commonwealth: *And provided*, That no decree for the sale, mortgaging, or letting of any real estate under the provisions of this act, shall be made except when the president of the court, or the law judge or judges thereof, shall be present, and that the acts in relation to special courts, where the president judge shall be interested, related to parties in interest, or otherwise incapable of acting, shall apply to all such provisions.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 305.

AN ACT

To incorporate the Kensington Soup society, in the county of Philadelphia.

Corporators.

Name.

Privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Matthias Cramer, Andrew Zanes, George J. Hamilton, Joseph Lippen-cot, Joseph Bennett, Robert Pearce, Jacob K. Vaughan, John Clouds, Abraham P. Eyre, Thomas D. Stiles, Joseph P. Cramer, Eli Garrison, senior, Franklin Eyre, Jacob Teese, George S. Cox, David Duncan, Jacob P. Donaldson, George W. Vaughan, Edward H. Gorgas, John Eyre, Theodore Bierly, Jacob Jones, William Cramp, George Stockham, and Richard S. Allen, and their successors, and all persons who may hereafter be associated with them in accordance with the conditions hereinafter named, are hereby created a body politic and corporate, in deed and in law, by the name of "The Kensington Soup society," and by that name shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in any court of law or elsewhere, and shall be able to receive, take, have, hold and enjoy, to them

and their successors, for the use of the said society, any estate in lands, messuages, tenements and hereditaments, goods, chattels, money or effects, of whatsoever nature, by gift, grant, bargain, sale, assurance, devise or bequest, from any body corporate or person whatsoever, and the same or any part thereof to sell or dispose of at pleasure, and to make, have, and use a common seal, and to break, alter and renew the same at pleasure, and generally to do all and every other matter or thing which any corporation or body politic lawfully may or can do, to carry into effect the object and purposes set forth in the succeeding sections: *Provided*, That the clear yearly income or profits of all estate had and enjoyed by the said society shall not exceed the sum of two thousand dollars per annum. Proviso.

CONSTITUTION.

SECTION 2. That this society shall be known by the name of "The Name. Kensington Soup society" of the county of Philadelphia.

SECTION 3. That the object of this society shall be to secure a suitable building in which to carry on its operations, which is the gratuitous distribution of soup and bread to the needy and deserving poor, under such regulations as may be provided for in the by-laws. Object.

SECTION 4. That the officers of the society shall consist of a board of ten managers, to be chosen as is hereinafter provided; they shall have power from time to time to apply the rents, revenues and funds of the corporation for the maintenance and support of the soup house; they shall also have power to purchase, sell or mortgage the real or personal estate of the society: *Provided*, The same be approved of by a majority of two-thirds of the members of the society. Managers. Proviso.

SECTION 5. That the board of managers shall be elected by ballot, at the annual meeting held in November, between the hours of three and eight o'clock, P. M., and continue in office one year, or until others are chosen by a majority of all the members voting; no annual subscriber shall have the privilege of voting unless it shall appear by the books that his subscription was paid at least one month previous to said election; in case of a failure to elect managers on the day above named, this corporation shall not on that account be dissolved, but an election shall in every such case be held at such other time as may be directed by the managers, six days' public notice being given in at least two daily papers of the city or county of Philadelphia: *Provided*, That the persons named in the first section of this act, or a majority of them, shall constitute a board of managers to transact the business of the society until the regular election shall be held as is hereinbefore named. Election of managers. Proviso.

SECTION 6. That the board of managers shall within one week after notice of their election, choose from among their own body by ballot, a president, vice president, secretary and treasurer; the officer last named shall give ample and sufficient freehold security for the faithful performance of his trust; the duties of the officers shall be prescribed in the by-laws, the board of managers shall have power to fill all vacancies that may occur in their body by death or otherwise. Officers.

SECTION 7. That the board of managers may enact such by-laws and ordinances for their government and the good of the society, as they may deem requisite: *Provided*, That the said rules and ordinances, or any of them, be not repugnant to the Constitution and laws of the United States, the Constitution and laws of this Commonwealth, or this instrument. By-laws. Proviso.

Meetings.

SECTION 8. That stated and special meetings shall be held at such times and in such way and manner as shall be directed in the by-laws: *Provided*, That one stated meeting be held in the month of November of each year.

Membership.

SECTION 9. That annual subscribers to the amount of two dollars and upwards, shall be considered members of the society; any person contributing at one time the sum of twenty dollars shall become a member for life; any member having taken an active part in the affairs of the society for ten years shall be considered an honorary member, and shall thereafter be exempted from active duties, if he so desire.

Misnomers.
Proviso.

SECTION 10. That no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to the said society: *Provided*, That the intent of the party making the same shall sufficiently appear on the face of the will, gift, grant or other writing, whereby an estate or interest was intended to be given or passed to the society.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON.

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 306.

AN ACT

Extending the time for the commencement of the Athens and Ithaca Railroad; relative to the New York and Erie Railroad company; and relative to Christian street, in the district of Moyamensing, Philadelphia county.

Commencement
and completion
extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the period for commencing the construction of the Athens and Ithaca Railroad, authorized by an act approved seventeenth March, one thousand eight hundred and thirty-eight, and a supplement thereto, approved eighth July, one thousand eight hundred and forty-two, is hereby extended three years from the passage of this act, and its completion to five years thereafter.

New York and
Erie railroad
company, may
hold more land.

SECTION 2. That the New York and Erie Railroad company is hereby authorized to hold and possess an additional quantity of fifty acres of land in Susquehanna county, for the purposes mentioned in the ninth section of an act supplement to an act incorporating the Washington Mutual Insurance company of Philadelphia; and relative to the New York and Erie Railroad company, approved April twenty-fifth, one thousand eight hundred and fifty-two, and the period limited in said section for conveying certain lands is hereby extended to the

first of January, one thousand eight hundred and fifty-six, and that said company is hereby authorized to sell and convey such lands as are held by it in Pike county, for other purposes than those mentioned in said section, which conveyance shall be good and valid in law to the purchaser or purchasers of the same. May sell lands in Pike county.

SECTION 3. That all that part of Christian street in the district of Moyamensing, which lies westward of Irish Tract lane, as laid out but not yet opened, be and the same is hereby declared to be opened to the width of sixty-six feet, and it shall be the duty of the commissioners of the district to proceed without delay to have the same carried into effect. Christian street Moyamensing, to be extended.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 307.

A N A C T

To incorporate the Kensington Literary Institute, in the county of Philadelphia; and to authorize the Commissioners of the district of Kensington, in said county, to assess a Tax for the purpose of furnishing said district with Water.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons who are now or may hereafter become members of the Kensington Literary Institute, in the county of Philadelphia, according to the terms of the constitution thereof, are hereby created a body politic and corporate, in deed and in law, by the name of the Kensington Literary Institute, shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in any court of law or elsewhere, and shall be able to receive, take, have, hold and enjoy, to them and their successors, for the use of the said institute, any estate in lands, messuages, tenements and hereditaments, goods, chattles, moneys or effects, of what nature soever, by gift, grant, bargain, sale, assurance, devise or bequest, from any body corporate or persons whatsoever, and the same or any part thereof to sell or dispose of at pleasure, and to make, have and use a common seal, and to break, alter and renew the same at pleasure, and generally to do all and every other matter or thing which any corporation or body politic lawfully may or can do, to carry into effect the object and purposes set forth in the constitution hereinafter contained: *Provided,* That the clear yearly income or profits of all the estate had and enjoyed by the said institute shall not exceed the sum of four thousand dollars. Name. Privileges. Seal. Pr. vis.

Articles of Kensington institute adopted.

Proviso.

Managers.

SECTION 2. That the first, third, fourth, fifth, sixth, seventh, eighth and ninth articles of the Kensington Institute, which are inserted in this section, shall be deemed and taken as part of this act, to all intents and purposes, and the second article thereof shall be and remain subject to such alterations and amendments from time to time, touching the amount required to constitute membership, as may be deemed expedient by a vote of two-thirds of the members present at any annual or special meeting of the institute: *Provided*, That notice of the proposed alterations or amendments be given by posting the same in the reading room for one month previous to the meeting.

SECTION 3. That the officers and managers of the Kensington Literary Institute now acting, to wit: John P. Verree, president; Jacob C. Slemmer, vice president; Jacob P. Donaldson, treasurer; George W. Vaughan, secretary; and Peter Rambo, Edward W. Gorgas, Charles Doron, William L. Lee, Harlan Ingram, William T. M'Neely, Hiram Dales, John H. Bringhurst, Hugh J. Worrell, John Clouds, Michael Day, Peter F. Wright, Joseph F. N. Snyder, Alfred Flanders, Jacob K. Vaughan, Charles M. Lukens, Henry Bumm, Abraham P. Eyre, John B. Duff, Andrew J. Wester, William Bumm, James Irwin, Jeremiah Eldridge, George S. Cox, shall be the board of managers of the institute hereby incorporated, until the stated annual meeting of the institute as provided in the fourth article of the constitution.

CONSTITUTION.

ARTICLE I.—*Name and Object.*

The name of this association shall be the "Kensington Literary Institute;" its primary object the promotion of the moral and intellectual improvement of young persons.

ARTICLE II.—*Membership.*

Any person by paying two dollars annually, or twenty dollars at one time as a life subscription, shall be entitled to membership in this institute, and to all its privileges, and any subscription of fifty dollars shall entitle the contributor to three life certificates, one for himself and the others for such persons as he may designate.

ARTICLE III.—*Officers.*

The officers shall be a president, vice president, treasurer, secretary, and twenty-four managers, who together shall constitute a board for the transaction of business, and shall report annually their proceedings to the institute.

ARTICLE IV.—*Meetings.*

The institute shall hold a stated meeting on the second Thursday in March in each and every year, when the annual report of the board of managers shall be read, and the officers and managers for the ensuing year shall be elected, by ballot, but the officers and managers elected at the first election of the institute shall hold their offices until the annual meeting on the second Thursday in March, one thousand eight hundred and fifty-three, when the officers then elected shall hold their offices for one year, and the managers then also elected, shall classify themselves as follow: eight of their number shall serve for the term of

three years, eight for the term of two years, and eight for the term of one year; and annually on the second Thursday of March in each and every year, there shall be elected eight persons members of the institute to serve as managers for three years, but no member whose subscriptions are unpaid shall be entitled to a vote, or be eligible as officers or managers of the institute; special meetings shall be called by the president or vice president, whenever requested by fifteen of the members, of which meetings at least three days' public notice shall be given in one or more newspapers published in the city or county of Philadelphia, and by posting in the library.

ARTICLE V.—*President.*

The president, or in his absence the vice president, or in the absence of both a chairman *pro tempore*, shall preside at all meetings of the institute and of its board of managers, shall preserve order, and perform such other duties as appertain to his office.

ARTICLE VI.—*Treasurer.*

The treasurer shall receive and hold all moneys belonging to or paid into the institute, shall keep a correct account of the receipts and disbursements, exhibit a statement of its funds annually, and oftener if required by the board of managers; he shall make no payments except on the order of the managers, signed by the president and secretary, and whenever required by the board, shall enter into an approved bond for the faithful performance of his trust.

ARTICLE VII.—*Secretary.*

The secretary shall keep fair and correct minutes of the proceedings of all meetings of the institute and of its board of managers, preserve all papers and documents belonging thereto in his possession, give notice of meetings, and perform all other duties required by his office.

ARTICLE VIII.—*Managers.*

The board of officers and managers, seven of whom shall constitute a quorum, shall hold stated meetings monthly, shall make their own by-laws, supply vacancies in their body, keep regular minutes of their proceedings, which shall be open at all times to the inspection of the members of the institute, shall establish a library and free reading room, appoint a librarian, purchase and receive such books, periodicals and papers for the library as they may think proper, provide for suitable lectures, and have power to devise and execute all measures which in their judgment will advance the interests of the institute, and carry out efficiently the objects of its organization, not inconsistent with this constitution; they shall hold their offices until their successors shall have elected.

ARTICLE IX.—*Library.*

The books, periodicals and papers belonging to the library and reading room may be loaned, at the discretion of the managers, to the members of the institute, and to such young persons as shall furnish satisfactory security for the payment of fines in default of a punctual

return of the volumes, and for any loss or injury that may be sustained in the book or books loaned; the reading room shall be kept open at such times and under such regulations as the managers may designate, for the free use of such young persons and members of the institute.

ARTICLE X.

This constitution may be altered or amended at any annual or special meeting by a vote of two-thirds of the members present: *Provided*, That public notice of the intended alteration be given by posting the same in the reading room for one week previous to the meeting.

Kensington dis-
trict, water
pipes.

Proviso.

SECTION 4. That the seventh section of an act of Assembly entitled "An Act to authorize Jonathan W. Swain, guardian of Anna Maria Angue," &c., passed the sixth day of March, Anno Domini one thousand eight hundred and fifty-one, shall be so construed as to authorize the commissioners of the district of Kensington to assess the cost of laying iron conduit pipes for the introduction of water into any of the streets, roads, lanes or alleys of said district, including the stop-cocks and fire-plugs, at a uniform rate, whether the said pipes be four, six or ten inches in diameter; and said assessment so made, shall be conclusive and binding: *Provided, however*, That said assessment shall in no case exceed one dollar per foot on the property fronting on each side of said street, road, lane or alley.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 308.

AN ACT

Giving the assent of the Commonwealth of Pennsylvania to the act of the Legislature of New Jersey, entitled "A supplement to the act entitled 'An Act to incorporate the proprietors of the Trenton Water Works,' approved March twenty-fourth, A., D., one thousand eight hundred and fifty-two."

Assent of Penn-
sylvania to act
of New Jersey.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the assent of this Commonwealth be and the same is hereby given to so much as is hereunto annexed of the act of the Legislature of New Jersey, approved the twenty-fourth day of March, in the year of our Lord one thousand eight hundred and fifty-two, entitled "A supplement to the act entitled 'An Act to incorporate the proprietors of the Tren-

ton Water Works,' passed the twenty-ninth day of February, A. D., one thousand eight hundred and three," and the said portion of the said act is hereby adopted, ratified and confirmed by this Commonwealth, and shall be annexed to and published with this act.

SECTION 2. That the construction in the Delaware river authorized by said act, shall be so made by the said company as not to obstruct or impair the navigation of said river, nor shall the said company use any water which they may withdraw from said river for the purpose of propelling machinery for manufacturing purposes, nor sell or lease said water to any other person or persons for the purpose of propelling machinery for manufacturing purposes, nor shall the said company withdraw any water from said river except for effectuating the purposes of said act, and the Governor of this Commonwealth shall transmit an attested copy of this act to the Governor of the State of New Jersey.

Not to obstruct navigation of Delaware river.

Not to use for manufacturing.

A SUPPLEMENT to the act entitled "An Act to incorporate the proprietors of the Trenton Water Works," passed the twenty-ninth day of February, A. D., one thousand eight hundred and three.

WHEREAS, The president and directors of the Trenton Water Works have represented that the increase of population in the city of Trenton, has been so great, that the springs from which said company have heretofore supplied said city with water are no longer adequate to furnish the necessary quantity; therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That the said the president and directors of the Trenton Water Works are hereby authorized and empowered to take the water which they may require, either in whole or in part, from the Delaware river, and to that end they are hereby invested with all the powers necessary to enable them to purchase and hold such real estate, and to conduct, keep up and maintain such reservoirs, aqueducts, and apparatus for elevating water, and such erections in the Delaware river, not obstructing the navigation thereof, and such other works, establishments and fixtures, as may in their opinion be required to effectuate the objects of this act, and to lay all pipes under the streets or through private property that may be needed to conduct said water from the river to their reservoirs, and from their reservoirs to such parts of the city and its vicinity as they may deem expedient.

Trenton water works.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D., eighteen hundred and fifty-three.

WM. BIGLER.

No. 309.

AN ACT

Relative to the Danville Railroad company; to authorize the erection of a Lock-up house in Coal township, Northumberland county; relative to the Chartiers' Valley Railroad company; extending the provisions of the General Manufacturing law to Marble, Stone, &c.; authorizing the Board of Health of the city of Philadelphia to sell certain lots; relative to the Germantown Water company; to the Chester and Cartersville Plank Road company; to unseated Road Orders in Forest and Jefferson counties.

May connect
with other
roads.

Damages how
settled.

Proviso.

Borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Danville Railroad company be and are hereby authorized to construct their railroad, with one or more tracks, on the south side of the Susquehanna river to and connect the same with the Philadelphia and Sunbury railroad at or near the borough of Sunbury, or with the Sunbury and Erie railroad at or near the said borough; and if the owner or owners of any land shall refuse to permit the said company to enter upon and occupy the same, and the parties cannot agree upon the compensation to be made for any injuries that may be done to said lands, the said company shall give a bond to the owner or owners of said land, in a sum to be fixed by one of the judges of the court of common pleas of Northumberland or Montour county, conditioned for the payment of any damages he, she or they may sustain by the construction of said road, and with one or more sureties, to be approved of by the said judge, which bond shall be filed in the office of the prothonotary of either of the said counties, and the said company may thereupon enter upon, occupy and use said lands for the purposes aforesaid, and the damages, if any, sustained by the owner or owners of said lands, shall be assessed in the manner provided in the act incorporating said company, and the stockholders of said company shall be entitled to one vote for every share of stock he, she or they may hold: *Provided*, The dividends to be declared by the said company shall not exceed fifteen per cent., and the powers and jurisdiction given to and conferred upon the several courts of Columbia county by the act incorporating the said company, be and are hereby transferred to and conferred upon the several courts of Northumberland county and Montour county respectively.

SECTION 2. That the said company, or the board of directors thereof, be and are hereby authorized to borrow such sums of money not exceeding in all the sum of three hundred thousand dollars, at a rate of interest not exceeding seven per cent. per annum, which may be deemed expedient, and to make the principal of said loan or loans convertible into the stock of the said company, on such terms as may be agreed upon, and to make the principal and interest of said loan or loans payable at such time or times as may be advisable, and for the security of said loan or loans, may execute a deed of trust or mortgage of the railroad and other property of the company in possession or to be acquired, and its corporate rights and franchises, and such other property as may be conveyed to the company for that purpose, and in the event of a sale under such deed of trust or mortgage, all the property conveyed in the deed of such trust or mortgage, and the cor-

porate rights and franchises of the company, shall pass to the purchaser or purchasers, free from all incumbrances subsequent to the execution thereof, and be vested in him or them, and the said company may from time to time increase its capital stock, as shall be deemed expedient. May increase capital stock.

SECTION 3. That it shall be lawful for said company to sell and dispose of the bonds which they are hereby authorized to issue, at such rates and in such manner as they may deem expedient. Bonds.

SECTION 4. That Richard Wolverton, William Fagely, and Jacob Money, are hereby appointed commissioners of public roads and trustees of the Lock-up house as hereinafter provided for, in Coal township, Northumberland county, the first named to serve one year, the second two years, and the third three years, from and after the first day of June, A. D. one thousand eight hundred and fifty-three. Coal tp., Northumberland co., roads and lock-up house.

SECTION 5. That it shall be lawful for said board of commissioners, or a majority of them, to levy and assess the necessary amount of tax in Coal township aforesaid, to defray the expense of opening, making and repairing the public roads in said township, and to erect or provide a Lock-up house in said township, said taxes to be collected in pursuance of their warrant, as county taxes are collected, and placed in the hands of the township treasurer, who shall give to said commissioners his bond with approved security for the same, and pay the orders issued by said board of commissioners on him for making and repairing public roads, and providing and maintaining Lock-up house. A tax to be assessed and collected.

SECTION 6. That it shall be lawful for said board of commissioners, or a majority of them, in opening any new road in said township, authorized by law, or keeping in repair those now opened, to let the opening, making and repairing out by contract to the lowest and best bidder, giving due public notice, and receiving propositions for the performance of said work, when in their judgment the interests of the township and of the public will be promoted thereby, and it shall be the duty of said commissioners to exercise a general supervision over the public roads of the township and the Lock-up house hereafter provided for, and have the same kept in good repair. Roads to be let out by contract.

SECTION 7. That it shall be lawful for the above mentioned board of township commissioners, and they are hereby authorized and required, to have built or otherwise provided and supported within the bounds of the township of Coal, in Northumberland county, at the expense of said township, a suitable building for the security and temporary detention and confinement of any person or persons committed by any justice of the peace or any constable of said township for any violation of the laws of this Commonwealth, or acts of the General Assembly for the regulation of the internal affairs of said township, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or until discharged according to law: *Provided*, That no person or persons shall be confined in said Lock-up house at any one time for a longer period than forty-eight hours, except such person or persons be charged with an indictable offence, or until discharged by law, or removed to the common jail of the aforesaid county by the proper officer. Lock-up, to be built.

SECTION 8. That the expense of arresting, binding over or committing and keeping any such person or persons in said Lock-up house, or conveying him, her or them on any indictable offence to the common jail of Northumberland county, shall be paid by the commissioners of said county, on the presentation of proper accounts to the said commissioners, but if upon a hearing before any of the justices of the peace of said township such person or persons shall be discharged for want of sufficient cause to bind him, her or them over for trial at the next Expenses of committing prisoners, how paid.

criminal court of said county, the said magistrate shall have power to require such person or persons to pay all the costs that may have accrued in the case, (if to him it shall seem just and proper, under all the circumstances,) and to enforce the collection of the same by an attachment and detention of his, her or their person, goods or chattels, until the said costs and charges are paid: *Provided, however,* That if such offender or offenders are unable to pay the costs, &c., or should not be ordered to pay them by the magistrate as above authorized, the same shall be paid by the township treasurer out of the funds collected as above provided for.

Proviso.

Constables to keep lock-up.

Penalty for injury to.

Chartiers' Valley railroad, may make a branch road.

Manufacturing law, provisions extended.

Board of Health, Philadelphia.

Proviso.

Germantown water company, may increase capital.

Chester and Carterville plank road, may be extended.

Townships in Forest and Jefferson counties, liable for road orders.

SECTION 9. That the constables of said township of Coal shall keep the said Lock-up house, and if any person or persons shall wilfully or maliciously destroy or attempt to destroy the said Lock-up house, he, she or they shall, upon conviction thereof by the court of quarter sessions of Northumberland county, be sentenced to undergo an imprisonment in the Northumberland county prison, for any period not less than six months nor more than one year, for each and every offence.

SECTION 10. That the Chartiers' Valley Railroad company be and they hereby are authorized to extend a branch of their road from any point on their line to the western line of this State, by such route as they may deem most expedient and practicable, and to connect the same with any railroad which may be constructed in the State of Virginia.

SECTION 11. That the provisions of an act to encourage Manufacturing Operations in this Commonwealth, passed April seventh, one thousand eight hundred and forty-nine, shall be and they are hereby extended to companies formed for the purpose of quarrying, preparing for market and vending marble, sandstone and other stone used for building purposes.

SECTION 12. That the Board of Health of the city of Philadelphia be and they are hereby authorized and empowered to sell and convey in fee simple, all or any of their lots now or heretofore used as depositories for privy filth, and to purchase or lease other lots for such purposes: *Provided,* The same be not in locations prohibited by law.

SECTION 13. That the Germantown Water company shall have the right to increase or enlarge their capital stock, in the same manner, form and extent, as turnpike or plank road companies may do under the second section of an act entitled "An Act regulating Turnpike and Plank Road companies," approved the twenty-sixth day of January, eighteen hundred and forty-nine.

SECTION 14. That the Chester and Carterville Plank Road company, in Delaware county, shall have power to extend their road from its western terminus along the Village Green road to Village Green, and along the Chichester road to the Village Green and Matens Hook roads, and the eastern terminus of said road shall be at the line of the borough of Chester.

SECTION 15. That the several township in the counties of Forest and Jefferson, shall hereafter be liable for all unseated road orders issued by the county commissioners to the supervisors thereof, and the court of quarter sessions of each county may compel the payment thereof, by such process as they may deem proper.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 310.

AN ACT

To authorize the State Treasurer to pay John B. Hartman certain moneys; to incorporate the Perrysville, East Waterford and Waterloo plank road company; authorizing the Right Reverend John M. Newman to borrow money; authorizing the publication of the Receipts and Expenditures of the borough of Lewisburg, Union county; to the publication of the sale of Real and Personal Estate in said county; and relative to the Grade of the Millheim and Kishacoquillas Turnpike road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the State Treasurer is hereby authorized to pay John B. Hartman the sum of three hundred and fifty-seven dollars and fifty cents, for furnishing quarters to the German Battalion attached to the Second Brigade First Division of Pennsylvania volunteers, during the riots in the city and county of Philadelphia in July, one thousand eight hundred and forty-four.

State treasurer
to pay John B.
Hartman certain
moneys.

SECTION 2. That General George McCulloch, Samuel Buck, Stewart Commissioners. Turbett, Noah Hartzler, Thomas Stewart, Joseph Pomroy, James Gilliford, James R. Morrison, Joseph Kelley, James Neeley, David Beal, William N. Swearingan, William J. Kirk, A. J. Ferguson, John Woodside, William Neely, Jacob Hoffman, Robert Robison, Esquire, Samuel Wharton, Alexander Patterson, James Patterson, Alexander Blair, William Pomroy, William Johnston, John Skinner, James Ferguson, Dr. G. L. Cuddy, and G. D. Thomas, John R. Ritner, Jacob Koontz, Jonathan Okeson, David Doyle, Joseph Berry, David Wilson, James S. Patton, S. E. Smith, Robert Warwick, Matthew Laughlin, William Hoopes, John Kepner, of the counties of Franklin and Juniata, or any five of whom, shall have power to exercise all the powers hereby conferred, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Perrysville, East Waterford and Waterloo Plank Road company," with power to construct a plank road from the borough of Perrysville, in Juniata county, via East Waterford Location. Waterloo, to the Patterson and Peru road, in Franklin county, with the privilege to extend the same so as to intersect the Patterson, Johnstown, McCoyville and Peru plank road, in the narrows west of Concord, or any of them, by the nearest and best route or routes, as the stockholders may determine upon, subject to all the provisions and restrictions of an act entitled "An Act regulating Turnpike and Plank Road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, excepting that portion of the thirteenth section of said act relating to tolls which discriminates in favor of wheels of four inches and upwards, and that portion of the eleventh section of said act which provides that the track of plank road erected under its provisions shall in no case rise or fall more than will form an angle of three and one-half degrees with a horizontal line, and the company hereby incorporated shall have power to regulate their tolls without reference to the width of the wheels in any case, and without reference

Name and style.

Subject to provisions of certain act.

Tolls.

to the tolls taken by any bridge company whose bridge may be used in the route of the said road, and also to lay the track or bed of their road at any angle not exceeding four degrees with a horizontal line; and where the ground on the route of the said road, shall be so hard and compact as to make a good road without any covering of wood or plank, or where the same can be made hard and compact without such covering, it shall be lawful to construct the said road at such points without any covering of wood or plank, and the same shall forever thereafter be kept and maintained in good repair, by the said company, except, however, where the same passes through incorporated towns.

Capital stock

Proviso.

SECTION 3. That the capital stock of said company shall consist of three thousand five hundred shares, of twenty-five dollars each: *Provided*, That the said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the said road and carry out the true intent and meaning of this act.

May use bridges and other roads.

SECTION 4. That it shall be lawful for the said company to make use of any county bridge on the line of the route of their road, and also use and occupy the whole or any part of any public street or road, and locate their road upon the ground occupied by any public street or road, and the courts of quarter sessions of the respective counties through which the road of the said company shall pass, shall appoint viewers to view and vacate such parts of any public road as shall be used or rendered useless by the said company, as is provided by the general road laws of this Commonwealth in said counties in the cases of roads which have become useless.

Commencement and completion of road.

SECTION 5. That if the said company shall not commence the construction of the said road within three years from the date of the passage of this act, and complete the same within ten years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of said company.

Toll gates.

SECTION 6. That the said company shall have authority to erect toll gates after five miles of the said plank road are completed.

Right Rev. Jno. M. Newman, authorized to borrow money.

SECTION 7. That the Right Rev. John M. Newman be and is hereby authorized and empowered to borrow for the use of the Saint Patrick's congregation of the borough of York, any sum of money not exceeding two thousand dollars, at a rate of interest not exceeding six per centum per annum.

Borough of Lewisburg, receipts & expenditures to be published.

SECTION 8. That the Burgess and town council of the borough of Lewisburg, shall annually hereafter publish for three consecutive weeks, in the newspaper printed in said borough having the largest bona fide circulation therein, a statement in detail of the Receipts and Expenditures of said borough, immediately after the same shall have been adjusted by the borough auditors.

Union county, sales of property to be advertised.

SECTION 9. That in the county of Union all sales of real or personal property by assignees of insolvent debtors shall be advertised for a period of not less than three consecutive weeks immediately preceding the time of such sale, in at least one newspaper printed nearest the location of the property in the county in which such property is located, and also by not less than twelve printed or written hand bills, conspicuously posted in suitable public places in the vicinity, and that all sales of real estate by public officers or by persons acting in an executive or administrative capacity, shall be advertised by printed hand-bills, and in at least one newspaper of the county published nearest the location of the property advertised.

Millheim and Kishacoquillas turnpike grade.

SECTION 10. That so much of the act of Assembly approved the twenty-sixth day of January, eighteen hundred and forty-nine, regu-

lating the Grade of turnpike roads, shall not be applied to the Millheim and Kishacoquillas turnpike, and that the grade on said road shall not exceed five degrees.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, eighteen hundred and fifty-three.

WM. BIGLER.

No. 311.

AN ACT

To incorporate the Allentown and Brinigville Turnpike and Plank Road company; relative to the election of School Directors in certain townships in Philadelphia county; and changing the place of holding Elections in Wiconisco township, Dauphin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Peter Brinig, David Shall, John Biery, Israel Wesko, Christian Prets, John Dorney, Solomon Cresimer, Samuel Lewis, Casper Kleckner, Nathan Drecker, Jacob Dillinger, Samuel A. Bridges, or any three of them, be they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Allentown and Brinigville Turnpike and Plank Road company," with power to construct a turnpike or plank road, or a part turnpike and part plank, from the western end of Hamilton street, in the borough of Allentown, Lehigh county, on or as near as may be practicable along the Reading road, to Brinigville, in said county, subject to all the provisions and restrictions, and with all the powers and privileges, contained in an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the supplements thereto: *Provided,* That the said company shall have the right to make use of the whole or any part of the said Reading road, and locate their road upon the ground now occupied by it, and it shall be lawful for the court of quarter sessions of Lehigh county to appoint viewers to view and vacate such parts of said Reading road as shall be used or rendered useless by the said company, as is provided by the general road laws of this Commonwealth in the cases of roads which have become vacant.

SECTION 2. That the capital stock of said company shall consist of one thousand shares of twenty-five dollars per share: *Provided,* That the company shall be subject to the provisions, restrictions and limitations of the act incorporating the Lancaster and Ephrata turnpike and

Commissioners.

Name & style.

Subject to provisions and restrictions of certain act.

Viewers.

Capital stock.
Proviso.

plank road company, approved March twenty-fifth, Anno Domini one thousand eight hundred and fifty.

Allentown iron
company.

SECTION 3. That it shall be lawful for the Allentown Iron company to subscribe stock to said turnpike or plank road.

First school dis-
trict, to elect
additional
directors.

SECTION 4. That on the third Friday of March next, the qualified voters of that part of the eleventh section of the first school district of Pennsylvania, composing the districts of Richmond, Bridesburg, Aramingo, and the township of the unincorporated Northern Liberties, in the county of Philadelphia, shall elect three additional school directors, and to serve as follows: One for one year, one for two years, and one for three years, and annually thereafter the qualified voters of the districts and township aforesaid shall elect two school directors to serve for the term of three years.

Wiconisco tp.,
elections.

SECTION 5. That hereafter the general and township elections in Wiconisco township, Dauphin county, shall be held at school house number three in said township.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 312.

A N A C T

Regulating Elections in the borough of Connellsville, Fayette county; and to incorporate the Mount Pleasant Railroad company; relative to Supervisors and Road Tax in Dunbar township, Fayette county; and relative to the Election Committees in School Sub-districts in Fayette county; and relative to Tavern License in the vicinity of Union Furnace, in Fayette county.

Borough of Con-
nellsville, to
elect coun-
cilmen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the qualified voters of the borough of Connellsville shall at their next annual borough election elect six persons to serve as councilmen, as follows: two for three years, two for two years, and two for one year, and two annually thereafter.

Burgess to give
notice of
elections.

SECTION 2. That the fourth division of section third of an act passed regulating boroughs, approved April third, Anno Domini one thousand eight hundred and fifty-one, shall not apply to the borough of Connellsville, in Fayette county, but in lieu thereof, it shall be the duty of the burgess of said borough to give at least ten days' notice, by written or printed notices, to be by him put up in at least five public places in said borough, of said election.

Commissioners.

SECTION 3. That John Lloyd, Daniel Shupe, Stinson H. Johnson, Matthew C. M'Millen, William C. Reiter, John Zandle, A. B. Hitchman,

man, Samuel Kelley, Samuel Miller, senior, Joseph Lippencott, A. Shel-
 lenberger, Henry Eicher, Benjamin Kempf, Robert Hitchman, Jacob S.
 Overholt, Robert Warden, Ephraim Lloyd, James Neal, Stewart Strick-
 ler, James Wade, Abraham Pershing, or any five of them, be and they are
 hereby appointed commissioners, to open books, receive subscriptions,
 and organize a company, by the name, style and title of "The Mount Pleasant
 Railroad company," with all the powers and subject to all the provisions and restrictions
 prescribed by an act entitled "An Act regu-
 lating Railroad companies," approved the nineteenth day of February,
 one thousand eight hundred and forty-nine. Subject to pro-
 visions and re-
 strictions of cer-
 tain act.

SECTION 4. That the capital stock of said company shall consist of Capital stock.
 three thousand shares, of fifty dollars each : *Provided*, That said com- Proviso.
 pany may from time to time, by a vote of the stockholders, at a meet-
 ing called for that purpose, increase their capital stock so much as in
 their opinion be necessary to complete said road, and to carry out the
 true intent and meaning of this act.

SECTION 5. That the said company shall have the right to construct Right to connect
 with other
 roads.
 a railroad from the borough of Mount Pleasant, in Westmoreland
 county, to a point on the Pittsburg and Connellsville road, in said county
 of Westmoreland, or in Fayette county, by such practicable route and
 moderate grade as may be deemed most expedient and proper by the
 said commissioners; and further, the said company shall have the pri-
 vilege of forming a connection with said Pittsburg and Connellsville
 road, or the Uniontown branch of the Pennsylvania railroad, on such
 terms and conditions as the respective companies may agree upon.

SECTION 6. That the said company shall commence the said road When to be
 commenced and
 completed.
 Proviso.
 within three years, and complete it within ten years from the date of
 the passage of this act: *Provided*, The Legislature reserves the right
 to repeal or alter the charter hereby granted.

SECTION 7. That the borough of Mount Pleasant, in said county of Borough of Mt.
 Pleasant, may
 subscribe to
 stock.
 Westmoreland, through the burgess of said borough, may subscribe to
 the capital stock of said road any amount not exceeding one hundred
 shares, for which they may issue bonds, not of a less denomination than
 one hundred dollars.

SECTION 8. That hereafter the qualified voters of Dunbar township, Dunbar tp., Fay-
 ette county to
 elect super-
 visors.
 Fayette county, shall elect three supervisors at their annual election,
 one in the side of the township north of the White House State road,
 and two in the north side; said township to be districted by them to
 suit property holders in said township.

SECTION 9. That persons owning lands in two or more of the dis- Road tax may be
 worked out.
 tricts, shall work out all their road tax in the district in which they
 may reside, and the supervisors shall credit them accordingly; any
 act not consistent with the provisions of this and the preceding sections
 is hereby so far repealed. Repeal.

SECTION 10. That in case the qualified voters of any sub-district in Sub school dis-
 tricts, Fayette
 co., to elect
 school com-
 mittees.
 Fayette county, in this Commonwealth, have heretofore or may here-
 after neglect to elect on the second Tuesday in June, a committee to
 regulate the schools in said sub-district, as directed by the eighteenth
 section of the act of the seventh of April, one thousand eight hun-
 dred and forty-nine, that it shall be lawful for the said qualified voters
 to proceed to hold an election and choose said committee as directed
 by said act, at any time, upon giving five days public notice thereof,
 signed by any three of said voters.

SECTION 11. That the second, third and fourth sections of an act en- Union Furnace
 to prohibit sale
 of liquor at.
 titled "An Act to authorize the voters of Mifflin county to decide the
 question of tavern license therein, and to prohibit the sale of intoxi-
 cating drinks within specified limits in certain counties," approved the

twenty-first day of April, one thousand eight hundred and forty-six, be and the same are hereby extended and made applicable to Union Furnace, in Dunbar township, Fayette county, and the same shall be in full force and effect.

W. P. SCHELL,
Speaker of the House of Representatives.
 THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 313.

AN ACT

To appoint commissioners to run and mark the County Lines between York, Cumberland and Adams counties; to an Election District in Jefferson county; to the Shrewsbury and Hopewell Plank Road company; to the Union Church of Warrington, York county; laying out a State Road from the Brookville and Tionesta State road to George Catz's lane; to Railroads and Plank Roads in Clarion county; to the Division Line between Lycoming and Tioga counties; to the Tioga Improvement company; to Auctions in Fayette county; to the Tioga and Elmira Plank Road company; to a State Road in Westmoreland county; authorizing Franklin Stewart to sell certain Real Estate; to the Accounts of Samuel J. Rankin, of Indiana county; to an Election District in Tioga county; to the Estate of John Knox, deceased; and relative to the Claim of David and Andrew Clark, of Columbia county.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That
 Commissioners. William B. Wilson, of the county of Adams, George F. Carl, of the county of York, and William Moore, of the county of Cumberland, are hereby appointed commissioners, with authority to survey, ascertain and mark the dividing line between the counties of Adams, Cumberland and York.

Duties. *SECTION 2. That it shall be the duty of said commissioners, after having first taken and subscribed an oath or affirmation before a justice of the peace to perform the duties enjoined on them by this act with impartiality and fidelity, to go upon the ground and carefully survey, ascertain and mark the dividing line between the counties of Adams, Cumberland and York, from the mouth of Dogwood run, to the point where said line strikes the Franklin county line, and that the said commissioners shall run and mark the said line as the same was originally run and marked, which said line, when so marked, shall be the boundary line dividing the said counties.*

To survey and mark line. *SECTION 3. That it shall be the duty of said commissioners, or any two of them, on or before the first day of October, one thousand eight hundred and fifty-three, to survey and mark said line upon the ground by distinct and permanent marks, wherever and as often as the said divi-*

sion line crosses any public road or highway, and at other convenient distances on the aforesaid line, and to make three drafts of the same, certified under their hands, with courses and distances plainly laid down, with references to the improvements through which said line may pass, one of which they shall deposit in each of the prothonotary's offices of the aforesaid counties as soon thereafter as practicable, which shall be considered as a public record.

SECTION 4. That the said commissioners shall receive as a compensation for their services the sum of two dollars per day each for and during the time they shall be actually engaged in the discharge of their duties, and William S. Picking is hereby appointed surveyor, and for his services as such shall receive a per diem allowance of two dollars, and the commissioners shall have authority to appoint any other necessary assistants, and to incur any other expenses that may be necessary to carry out the intentions of this act; said assistants shall receive for their services the sum of one dollar per day each, while actually engaged on said survey, and all the aforesaid expenses shall be paid in equal proportions by the said counties, by the commissioners of said counties, by warrant drawn on the treasurers of their respective counties.

Compensation.

Surveyor and assistants.

Compensation.

SECTION 5. That in case any of the above named commissioners should refuse to serve, or in the event of his sickness or death, the remaining five shall select a suitable person, a resident of the same county in which the person resided who caused the vacancy, as commissioner, and if two or more vacancies shall occur from the same cause, the Governor is hereby authorized to appoint commissioners to discharge the duties prescribed in this act.

Vacancies how supplied.

SECTION 6. That hereafter the qualified electors of Perry township, in the county of Jefferson, shall hold their township elections on the first Monday of February, and the act requiring them to elect on the fourth Monday of February, be and the same is hereby repealed.

Perry township, Jefferson co., elections.

SECTION 7. That the Shrewsbury and Hopewell Plank Road company shall have power, and they are hereby authorized, in the location of their road, in order that they may be enabled to construct the same by the nearest and most practicable route, to occupy such parts of any public road as may be found necessary.

Shrewsbury and Hopewell plank road company, may occupy other roads.

SECTION 8. That the members of the Union church, situated in the township of Warrington, York county, Pennsylvania, the said church being jointly and exclusively owned by the German Reformed, Old School Presbyterian, and Evangelical Lutheran denominations, be and the same are hereby created and erected into one body politic and corporate, in deed and in law, by the name, style and title of the Union church of the aforesaid denominations, in Warrington township, York county, and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, and shall be able and capable to take and hold lands and tenements, goods and chattles, real personal and mixed, which are now or may hereafter become the property of said congregations or body corporate, by gift, grant, devise, bequest or otherwise, according to the true intent of donors, grantors or devisors, and the yearly value or income of the real, personal or mixed estate of said congregations, shall not at any time exceed the sum of three thousand dollars, exclusive of annual stated contributions.

Union church Warrington, York co., created into a body corporate.

Style.

Privileges.

SECTION 9. That the secular business of said church and congregations shall be conducted by six trustees, two of whom are always to be of each denomination, and shall consist of the following named persons, viz:—Jonas Spangler, and Jacob March, members of the German Reformed church; William Ross, senior, and Samuel Smith, members of the Presbyterian church; Peter Benedick, and Benjamin Overdear,

Trustees.

members of the Evangelical Lutheran church; who shall continue in office until others are elected, which shall be on the second Monday of April one thousand eight hundred and fifty-three, and on that day annually thereafter, the properly qualified members of said congregations shall, after two weeks public notice, elect by ballot persons to serve as trustees; the trustees shall be so arranged that one of each denomination retires from office every year, and at all meetings of the trustees four of their number shall constitute a quorum; should there be a failure to hold the election on the aforesaid time of any year, the trustees for the time being shall continue to serve till an election takes place.

Quorum.

On failure to elect new officers old to serve.

Officers.

SECTION 10. That the said trustees shall choose by ballot from among their number a president and secretary; also from among the members of said church a treasurer, who shall, if required by the trustees, give security for the faithful performance of the trust reposed in him, and account to them for all sums of money received by him, and in case of the removal of the president, or of any of the trustees, or of any other officer of the board of trustees, by death, resignation, neglecting to attend the meetings of said Board thrice in succession, without good cause, or otherwise, the vacancy or vacancies shall be supplied by the said board until the next annual election.

Vacancies.

Seal.

By-laws.

Proviso.

SECTION 11. That the trustees and their successors shall have full power to make and to use one common seal, and the same to alter and renew at pleasure; to enact and enforce, or repeal such by-laws and ordinances as shall be sanctioned by a majority of the male members of the congregations qualified to vote for the regulation and transaction of the proper business of the corporation: *Provided*, That said by-laws and ordinances shall not be in conflict with the articles of this charter, nor in violation of the constitution and laws of the United States or of this State, nor inconsistent with the doctrine, polity and discipline of the German Reformed Evangelical Lutheran and Presbyterian denominations.

None but male members eligible to office.

SECTION 12. That no person shall be eligible to hold any office herein set forth; who is not a male member, over twenty-one years of age, or being a male of this age, pays a regular subscription to the support of the ministry and ordinances of the gospel, or for the use of the corporation.

None but male members to vote at elections.

SECTION 13. That no person shall be entitled to a vote at any election for trustees, or at any election relating to the secular interests of the church, except the male members of said congregations, and those who regularly contribute their portion to the maintenance of divine worship, and in other respects demean themselves as church members, though they be not communicants.

Trustees to keep a book of record.

SECTION 14. That the trustees shall keep, or cause to be kept, a book, in which the act of incorporation, by-laws and ordinances hereafter passed and approved, shall be recorded, and also keep a record of the proceedings of all meetings of said trustees, and of all business meetings and transactions of said corporation, to which all members of the congregations shall at any time have free access.

Annual statements of receipts and expenditures required.

SECTION 15. That the trustees shall annually, on the day of electing their successors, make or cause to be made a true, just and full statement of all accounts, receipts and expenditures of said corporation and congregations, and cause the same to be entered at large on the record book mentioned in section seventh.

SECTION 16. That the property, real or personal, held in common by said congregation, shall remain so in perpetuity, unless one of said congregations should, by a vote of two-thirds thereof, agree to sell out

to the other, and at said election none shall vote except members of the congregation whose interest is to be disposed of, but in no case shall either of said congregations interfere with the ecclesiastical organization or peculiar tenets of the other. Authority of one congregation to sell property to other.

SECTION 17. That all elections shall be held in the church, and notice of each election shall be publicly given from the pulpit on the Sabbath day, immediately before or after Divine service, by the minister officiating or some other proper person, two weeks previous to the time of holding said election. no Elections, where to be held, and notice of.

SECTION 18. That Cyrus Blood, of the county of Forest, William Thompson and Perry Kahle, of the county of Clarion, be and they are hereby appointed commissioners to view, lay out and mark a State road, beginning on the Brookville and Tionesta road west of the Clarion river; thence by the nearest and best route to the Olean road, at or near the north-west end of George Catz's lane, opposite to the Brookville road. Commissioners to lay out a state road in Jefferson county. Location.

SECTION 19. That it shall be the duty of the said commissioners, or a majority of them, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at crossing ravines and streams, where by moderate filling and bridging, the declination of the road may be preserved within that limit; and further, it shall be the duty of said commissioners to have due regard to the crossing of waters, the nature of the ground, and damages to private property, and all other circumstances that may affect the route, so that by a judicious combination of them, the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each day for every day they shall be necessarily employed in performing the duties enjoined by this act; and in case any of said commissioners shall perform the duties of surveyor, he shall receive fifty cents per day in addition; and said commissioners are hereby authorized to employ one surveyor at two dollars per day, two chain-bearers, and one axeman, at seventy-five cents per day. Duties of commissioners. Compensation.

SECTION 20. That it shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth on or before the first day of January next, and one copy in the office of the clerk of the court of quarter sessions of the respective counties through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of courts aforesaid, and damages sustained by the owners of private property shall be assessed and paid in the same way and manner. Draft of location to be made out. Damages.

Accounts how paid.

SECTION 21. That the accounts of said commissioners for their own pay, and for the pay of surveyors, chain bearers and axeman, shall be adjusted by the commissioners of the respective counties through which the road may pass, and paid by the treasurers thereof, on warrants drawn in the usual way, in proportion to the length of road in such county respectively.

When commissioners to meet.

SECTION 22. That said commissioners shall meet on or before the first Monday of June next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or any other cause, the court of quarter sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Vacancies how supplied.

Provisions of certain act extended to Clarion county.

SECTION 23. That the provisions of the second section of the act entitled "An Act authorizing the paving of the Gray's Ferry road," &c., approved the fifth day of April, A. D., eighteen hundred forty-nine, are hereby extended to the county of Clarion, and that in the cases mentioned in said section, lateral railroads may be constructed in said county, not exceeding four miles in length, to connect with any streams in which logs can be floated in the time of freshets, instead of plank roads, under and subject to all the provisions of the act regulating lateral railroads, approved the fifth day of May, A. D., eighteen hundred thirty two, and that it may be lawful for any person or persons owning or using saw mills on Mill creek, or at the mouth thereof, to float logs in said creek from his or their lands to their mills on said creek, or at the mills at the mouth of said creek: *Provided*, This act shall only extend to that part of said creek in Clarion county from the forks to the mouth thereof.

Subject to provisions of certain act.

Proviso.

Division line between Lycoming and Tioga counties, certain proceedings null and void, and new commissioners appointed.

SECTION 24. That the proceedings and acts of A. H. M'Henry and John Piatt, in running and marking the division line between the counties of Lycoming and Tioga, in pursuance of the act of twenty-ninth of May, one thousand eight hundred and forty-nine, and its supplements, together with their report in relation to said line, filed in the office of the Secretary of the Commonwealth on the twenty seventh day of December, eighteen hundred fifty-two, are hereby declared null and void, and that A. H. M'Henry of Lycoming county, William Bache of Tioga county, and Joseph Baily of Perry county, are hereby appointed commissioners to run and mark said line, ascertain, view, and they, or a majority of them, make report of the same to the commissioners of each of said counties: *Provided*, That the daily pay of each of said commissioners whilst running and marking said line shall be three dollars, and that of each of the chain carriers, markers and assistants, shall be one dollar and fifty cents.

Proviso.

Preamble.

SECTION 25. WHEREAS, 'The Tioga Improvement company have purchased and now hold three thousand acres of land in Tioga county, surveyed on six several warrants, in the name of Robert Coleman, numbered as follow, to wit:—Number five thousand eight hundred thirty-five, number five thousand eight hundred thirty-six, number five thousand eight hundred thirty-seven, number five thousand eight hundred thirty-eight, number five thousand eight hundred thirty-nine, and five thousand eight hundred forty; therefore,

Tioga improvement company, authorized to hold certain lands.
Proviso.

Be it enacted, &c., That said Tioga Improvement company are hereby authorized to purchase and hold in fee simple the balance of said six several warrants, and numbered as aforesaid, and to increase the capital stock of said company one hundred thousand dollars: *Provided*, That the whole amount of land held by said company at the

expiration of three years from the passage of this act, shall not exceed three thousand acres.

SECTION 26. That the second section of the act of Assembly passed third day of March, one thousand eight hundred and forty-three, entitled "A further supplement to the acts of Assembly relating to auctions in the city of Lancaster, and other towns in this Commonwealth," be and the same is hereby repealed so far as relates to Fayette county.

SECTION 27. That the president and directors of the Tioga and Elmira plank road company may, if they deem it expedient, change the location of said road from that provided for by the act of incorporation approved the twenty-seventh day of April, eighteen hundred and fifty-two, and shall have power to construct said road from any point at or near Yeoman's steam mill in Jackson township, by the best and most convenient route, to the Wellsboro' and Tioga plank road, at or near the village of Tioga, in Tioga county.

SECTION 28. That all that portion of a certain State road within the limits of Westmoreland county, authorized to be laid out by an act of the fifteenth of April, one thousand eight hundred and fifty, from Elizabethtown, in Allegheny county, by way of Alexander Guffy's salt works, to intersect the Greensburg and Pittsburg Turnpike road at Greensburg, Westmoreland county, or some other point west of it, be and the same is hereby repealed, and that all actions, that may have been held in relation thereto is hereby made null and void.

SECTION 29. That Franklin Stewart is hereby authorized and empowered to sell and convey either at public or private sale, all and any of the real estate belonging to the estate of Isaac L. Jaques, deceased, lying and being in the township of Bloss, in the county of Tioga, and to make and execute to the purchaser and purchasers of the same good and sufficient conveyances and assurances in the law, so as to vest in such purchaser or purchasers all the estate, right, title and interest which the said Isaac L. Jaques at the time of his death had and held in the same: *Provided*, That such sale or sales shall be reported by said Stewart to the Orphan's court of the county of Tioga, for their approbation and confirmation: *And provided further*, That said sale or sales shall not be approved or confirmed by the court until said Stewart shall have filed with the clerk of said court a bond, with sufficient sureties, to be approved of by the court, conditioned for the faithful appropriation and distribution of the proceeds of said sale among the persons entitled thereto.

SECTION 30. That the court of common pleas of Indiana county, is hereby authorized and required to appoint three competent persons of said county as auditors, who shall have authority to re-examine and re-settle the accounts of Samuel J. Rankin, late treasurer of said county, with the Commonwealth, and that all proceedings instituted against the said Samuel J. Rankin or his sureties, in reference to said accounts, shall be stayed until such re-settlements shall have been made: *Provided*, That the same be done within six months after said auditors have been appointed.

SECTION 31. That the annual township and borough elections in the county of Tioga shall hereafter be held on Friday preceeding the first Monday in February, in each and every year.

SECTION 32. That the administrators of the estate of John Knox, deceased, late of Donegal township, Washington county, be and they are hereby authorized and directed, after the payment of all just debts against the said estate, to pay to William Knox, his heirs or as-

signs, the balance of said estate remaining in their hands, excepting only the collateral inheritance tax due the Commonwealth.

Certain act re-
vived and
extended.

SECTION 33. That so much of the act approved the third day of May, one thousand eight hundred and fifty, entitled "An Act for the relief of David and Andrew Clark, of Columbia county," which requires the Canal Commissioners to examine the claim of David Clark and Andrew Clark of Columbia county, be and the same is hereby revived and extended one year from the passage of this act.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 314.

AN ACT

To incorporate the Strasburg and Millport Turnpike Road company; relative to certain Election districts; changing the name of the Susquehanna Coal company; to prohibit Cattle and Swine from running at large in the township of Roxborough, Philadelphia county; to change the name of Scott township, Columbia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. John N. Lane, Emanuel Schaeffer, Thomas E. Franklin, Henry Musselman, Amos F. Herr, Daniel Potts, Cyrus N. Herr, John Musselman, John Echternach, John F. Herr, Benjamin Eshleman and Christopher Hager, or any three of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and

Name & style organize a company, by the name, style and title of "The Strasburg and Millport Turnpike Road company," with power to construct a turnpike road from a point near the Swan Tavern, in the borough of Strasburg, over the public road by Musselman's Mill and Millport to a point on the Philadelphia and Lancaster turnpike near Millport, and to straighten said public road wherever it may be expedient, subject to all the provisions and restrictions, and with all the powers and privileges contained in an act regulating Turnpike and Plank Road companies, approved the twenty-sixth day of January, A. D. one thousand eight hundred and forty-nine, and the supplement thereto, approved the seventh day of April, A. D. eighteen hundred and forty-nine, except that the said company may erect toll gates and charge tolls upon the completion of the said turnpike road, although the same shall not extend five miles in length.

Subject to the provisions and restrictions of certain act.

SECTION 2. That the capital stock of said company shall consist of Capital stock. eight hundred shares, of twenty-five dollars per share; *Provided*, That said company may, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as may be deemed necessary to complete the road and carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the said road Commencement and completion of road. within three years from the passage of this act, and complete the same within six years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of the company.

SECTION 4. That from and after the passage of this act, the qualified electors of the borough of Jersey Shore and Porter township, in Lycoming county, shall hold their elections in the Town Hall of Jersey Shore; and the qualified electors of Wolf township, in said county, shall hold their elections at the store room of Ellis Bryans in said township; and the qualified electors of Franklin township, said county, shall hold their elections at the house of George S. Lohr in said township. Places of elections, in Jersey Shore, Porter, Wolf, and Franklin tps., Lycoming co.

SECTION 5. That the corporate name, style and title of the Susquehanna Coal company shall hereafter be "The Susquehanna Coal and Coal Mountain company," and by that name, and title, shall hereafter sue and be sued, and have and enjoy all the corporate rights, franchises, privileges and immunities, and shall be subject to all the restrictions, granted and imposed upon the said company by the act authorizing the same to be incorporated, and the supplements thereto; and that the said company be and are hereby authorized to put in their lands as capital stock, and divide the said stock into as many shares as they may deem expedient, and to issue certificates for said shares of stock to the stockholders of said company. Susquehanna coal company, name changed. May increase number of shares of stock.

SECTION 6. That the laws now in force relative to cattle and swine running at large in the borough of Germantown, be and the same are hereby extended to the township of Roxborough, in the county of Philadelphia. Provisions of certain act extended to Roxborough.

SECTION 7. That the name of the township of Scott, in the county of Columbia, is hereby changed to and shall hereafter be called Lo-cust. Scott tp., Co-lumbia co.

SECTION 8. That hereafter the elections in the several wards of the city of Lancaster shall be held at the following places: in the North-east ward at the public house now kept by Daniel Swope; in the South-east ward at the public house now kept by J. G. Leber; in the North-west ward at the public house now kept by Adam Trout; in the South-west ward at the public house now kept by Frederick Hess. Lancaster, places of elections.

SECTION 9. That hereafter the qualified voters of the several wards of the city of Lancaster shall elect an assessor and constable for each of said wards, in the manner prescribed by existing laws for the election of such officers, and the constables so elected shall have all the authority and privileges heretofore conferred by law upon the constables of Lancaster city: *Provided*, That the high constable of said city shall be elected as heretofore by the voters of the whole city. To elect assessors & constable for each ward. Proviso.

SECTION 10. That for the election of members of the Select Council, the said city shall be divided into three districts, as follows: the North-west ward shall compose the first district; the North east ward the second district; and the South-east and South-west wards jointly, the third district; in each of which districts a member of the Select Council shall be annually elected, for the term of three years, with the qualifications now required by law; and for the election of members For elections of members of councils, city divided into districts.

Vacancies how
supplied.

of the Common Council the several wards of said city shall constitute separate districts, and elect annually as follows; the North-west ward shall be entitled to five members; the North-east ward to four members; the South-east ward to three members; and the South-west ward to three members; should any vacancy occur in the Select Council, the qualified voters of the district in which the member by whose death, resignation or otherwise, the vacancy was created shall have resided, shall elect at the next election a successor, who shall fill the office for the unexpired term of such member.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D., eighteen hundred and fifty-three.

WM. BIGLER.

No. 315.

AN ACT

To annul the Marriage Contract between Morgan Dewit and Emily his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between Morgan Dewit and Emily his wife, both of Bradford county, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from the duties and obligations arising therefrom, as fully, effectually and absolutely, as if they never had been joined in marriage.*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

We certify that the bill entitled "An Act to annul the marriage contract between Morgan Dewit and Emily his wife," was presented to the Governor on the thirtieth of March, eighteen hundred and fifty-three, and was not returned within ten days (Sundays excepted) after it had been presented to him, wherefore it has, agreeably to the Constitution of this Commonwealth, become a law in like manner as if he had signed it.

WM. JACK,
Clerk of the House of Representatives.
JOHN M. SULLIVAN,
Clerk of the Senate.

April 18th, A. D. 1853.

No. 316.

AN ACT

To incorporate the White Hall Turnpike Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Isaiah James, Charles Paxton, N. B. Johnson, Jesse D. Sager, William White, George Barndt, George W. Jones, Peter Swartz, John Halde-
man, John Steeve, Charles Rorer, John Barndt, William Hines, John Swartley, George Weisell, Jacob L. Knipe, Charles D. Mathews, or any five of them, are hereby appointed commissioners, and invested with all the powers and privileges granted by the act regulating turnpike and plank road companies, passed and approved the twenty-sixth January, one thousand eight hundred and forty-nine, and contained in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, nineteenth, twentieth, and twenty-first sections of the aforesaid act.

SECTION 2. That the president and managers of said White Hall Turnpike Road company, when organized, are hereby authorized to lay out said turnpike road, commencing at or near the terminus of the Lewisville and Prospectville turnpike in Montgomery county, and thence along the bed of the present public road, to or near the southwest end of the Neshamony bridge, at White Hall, Bucks county, the aforesaid president and managers to have the power to depart from the present location of the road where it may be necessary to straighten said road or avoid hills, with a grade not exceeding five degrees.

SECTION 3. That the president and managers of said White Hall Turnpike Road company are hereby authorized to charge and receive the same rate of tolls, and borrow money, as are empowered by the act and supplementary acts incorporating the Doylestown and Willow Grove Turnpike Road company.

SECTION 4. That the company not to be liable for fractions of a cent for tolls, and the capital stock of this company shall be ten thousand dollars, making four hundred shares, at twenty-five dollars for each share.

SECTION 5. That when and so often as the president and managers of this company shall have completed any one mile or more of the said road, they may proceed to have the same inspected and licensed for taking toll thereon, in the same manner and with the like restrictions and privileges as is contained in the twelfth section, providing for the inspection of five or more miles when finished.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 317.

AN ACT

To incorporate the Independent Mutual Insurance company; authorizing the trustees of Casper P. Lukens, under the will of Isabella L. Pennock, to sell and convey certain real estate; to the payment of certain money to Theodore Cuyler, Attorney for Executors of George Clark; and changing the time for commencing the March term of the Supreme Court for the Eastern District.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Daniel Haddock, Junior, James Traquair, W. J. Wainright, Jesse Godley, Edw'd C. Knight, S. S. Bishop, James Deveren, John H. Diehl, James Stevens, Joseph B. Myers, John M. Odenheimer, Thos. S. Foster, Washington Butcher, Wm. B. Johnson, Elliston Perot, Josiah Bacon, John H. Brown, B. M. Bunker, of the city of Philadelphia, or any five of them, be and they are hereby appointed commissioners, whose duty it shall be, at any time or times by them appointed, to open books in the city of Philadelphia to receive applications for insurance by the Independent Mutual Insurance company, and as soon as applications amounting to one hundred thousand dollars shall be received, such commissioners shall give at least ten days' notice, by at least one advertisement in two of the daily newspapers published in said city, of the time and place for the election by the said subscribers, each one being entitled to one vote, for fifteen directors of the said company, to serve for one year from the first day of June next, or until their successors shall be legally chosen, whereupon the Governor shall issue letters patent to the said applicants for insurance, under the name of the Independent Mutual Insurance company.

Board of directors. SECTION 2. That all the corporate powers of the said company shall be exercised by the board of directors, and such officers and agents as they may appoint: The board of directors shall consist of fifteen persons, all of whom must be residents within the United States of America, and seven of them shall constitute a quorum: The board of directors shall annually elect one of their number president, and they shall have the power to fill any vacancy or vacancies in the board, by death, resignation, or otherwise.

Powers and privileges. SECTION 3. That the said company shall have all the powers conferred on or exercised by the Mercantile Mutual Insurance company of Philadelphia, and they may cause themselves at any time or times to be wholly or partially re-insured as to any risks, and to invest their funds in loans, stocks, bills, notes, or otherwise.

Profits how to be applied. SECTION 4. Whenever the accumulated nett profits of the said company shall exceed one million of dollars, the excess may be applied from year to year thereafter towards the redemption of each year's certificates successively, in whole or in part, but the certificates of a subsequent year shall not be redeemed until all those of preceding years are provided for.

SECTION 5. That Abraham L. Pennock, Casper W. Pennock, and George Pennock, trustees of the estate of Casper P. Lukens, under the will of Isabella L. Pennock, deceased, be and they are hereby autho-

Truſtees of C. P. Lukens au-
 rized to ſell and convey a certain lot of ground on the north ſide of Spring Garden ſtreet, in the county of Philadelphia, at the diſtance of ſixty-nine feet weſt of Delaware ſeventh ſtreet, containing in front on ſaid Spring Garden ſtreet thirty-four feet by one hundred and fourteen feet three inches, more or leſs, to Wiſter ſtreet, unto any purchaſer or purchaſers thereof in fee ſimple, without any obligation on the part of the purchaſer to ſee to the application of the purchaſe money: *Pro-Provido.* That it ſhall be the duty of ſaid truſtees to inveſt and hold the proceeds of ſaid ſale upon the ſame truſts, and with the ſame limitations, duties and powers, as they now hold ſaid premises.

SECTION 6. That the ſum of ſeventy-one dollars and twenty-five cents, be and hereby is appropriated to be paid to Theodore Cuyler, Eſquire, attorney for the executors of George Clark, deceased, the ſame to be in re-payment of ſaid amount of money paid into the treasury of the Commonwealth as collateral inheritance tax, in advance, upon the eſtate of ſaid George Clark, deceased, which eſtate has in its final ſettlement been found to be inſolvent. Certain money to be refunded.

SECTION 7. That the March term of the Supreme court for the eaſt-ern diſtrict of the State ſhall hereafter commence on the ſecond Monday of March in each year. Supreme Court March term changed.

W. P. SCHELL,
Speaker of the Houſe of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A., D., one thouſand eight hundred and fifty-three.

WM. BIGLER.

No. 318.

AN ACT

To incorporate the Odd Fellows' Hall Association of the borough of Bernville, in the county of Berks.

SECTION 1. *Be it enacted by the Senate and Houſe of Representatives of the Commonwealth of Pennsylvania in General Aſſembly met, and it is hereby enacted by the authority of the ſame,* That Daniel Deppin, Daniel Billman, Levi S. Stamm, Emanuel Stamm, A. H. M'Donough, Joſeph Obold, Edward B. Filbert, William E. Huber, George Brownmiller, George F. Rich, John Backenſtoſs, Henry S. Stamm, George Stricker, and Gabriel Spatz, and their ſucceſſors, and all perſons who are now or hereafter may be associated with them, be and they are hereby created and erected into a body corporate and politic, in deed and in law, by the name, ſtyle and title of "The Odd Fellows' Hall Association" of the borough of Bernville, in the county of Berks, and by that name ſhall have perpetual ſucceſſion, and be able and capable to ſue and be ſued, plead and be impleaded, in any court of law or equity, and exerciſe all the rights, privileges and immunities, which corporations have, and to take and hold, to them and Corporators. Name and ſtyle.

**Powers and
privileges.**

their successors, either by gift, grant, devise or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association, and also to take and hold for the use of said association, any goods or chattles, sum or sums of money, by gift, grant, bargain, sale, will, devise or bequest, from any person or persons whatsoever capable of making the same, and the same at pleasure to grant, bargain and sell, for the use of said association, and generally to do all and singular the matters and things which it shall be lawful for them to do for the well-being and due management of the affairs of said association: *Provided*, That the real estate of said corporation, or of which it may be seized and possessed, shall not at any time exceed the clear yearly value of three thousand dollars.

Proviso.

Object.

SECTION 2. That the object of said association shall be to provide, erect and furnish a hall or suitable building or buildings in the borough of Bernville, in the county of Berks, for the accommodation of such associations or societies, and for such other purposes as they shall deem proper.

Seal.

SECTION 3. That it shall and may be lawful for said incorporation to have a common seal, and the same at their will and pleasure to change, alter and renew, as they shall deem proper, and shall have and exercise all the rights and privileges and immunities necessary for the purposes of the incorporation hereby constituted and as herein expressed.

Trustees.

SECTION 4. That the government of the Odd Fellows' Hall association of the borough of Bernville, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually, at such time and in such manner as the said association shall by its by-laws provide; at the first meeting of the trustees after their election in each year they shall choose from their body a president, secretary and treasurer.

Officers.

By-laws.

SECTION 5. That the corporation hereby created shall have leave and authority to make by-laws, conformable to the charter and not in violation of the laws of the United States or of this Commonwealth.

**Loans to be
vested in corpo-
rators.**

SECTION 6. That all and singular the loans bearing interest whatsoever, now belonging to Bernville Lodge number one hundred and twenty-two, of Odd Fellows, and held by any person or persons whatsoever for the use of said society, shall be and the same are hereby vested in the corporators named in the first section of this act and their associates and successors, and the said person or persons now holding said loans, or any of them, in trust or for the use of said society, are hereby authorized and required to transfer the same, under their respective hands and seals, in the presence of two subscribing witnesses, to the corporators aforesaid, and their associates and successors, named in the first section of this act.

Reservation.

Proviso.

SECTION 7. That the Legislature reserves the right to alter, revoke or annul this charter, whenever in their opinion such revocation shall be considered necessary for the public interest: *Provided*, That no injustice shall be done to the corporators thereof.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER

No. 319.

AN ACT

For the relief of the School Directors of Monongahela City, Washington county; to incorporate the Hancock and Warfordsburg Turnpike or Plank Road company; and relative to the Birmingham and Elizabethtown Turnpike Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Superintendent of Common Schools be and he is hereby instructed to pay to the treasurer of the Monongahela school, in the county of Washington, the amount to which such district was entitled from the annual State appropriations for school purposes, for the years one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-three, as if the law had been complied with, and that the treasurer of the district be and is hereby empowered to collect the outstanding school tax for the years above mentioned. Superintendent of common schools to pay certain school appropriations to Monongahela school district.

SECTION 2. That the said directors and their successors in office, shall have power to borrow money from time to time, to liquidate debts now or hereafter contracted in the purchase of real estate or the erection of buildings for school purposes, and to mortgage or pledge such estate and buildings for the payment of the same: *Provided,* Such sum or sums shall not exceed in the aggregate the sum of two thousand dollars. Directors of said district may borrow money. Proviso.

SECTION 3. That Philip Gorden, Joseph Bernhard, George Smith, James B. Ditto, James Hunter, William Carl, Benjamin Gale, Samuel Gorden, Jacob Bernhard, James J. Kirb, or any five of them, be and are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Hancock and Warfordsburg Turnpike or Plank Road company, with power to construct a turnpike or plank road, commencing at the Maryland line, in the county of Fulton, by the nearest and best route through Warfordsburg, and to the White Oak run, near Jacob Bernhard's farm, in Fulton county, and the said company may, if they deem it expedient, extend a branch to any point within the limits of said county, subject to all the provisions and restrictions of an act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine. Commissioners. Hancock and Warfordsburg turnpike comp. Location. Subject to provisions of certain act.

SECTION 4. That the capital stock of said company shall consist of two hundred and forty shares, at twenty-five dollars each: *Provided,* That the said company may from time to time, by a vote of the stockholders, at a meeting called for the purpose, increase their capital stock, if it shall be deemed necessary to carry out the true intent and meaning of this act. Capital stock. Proviso.

SECTION 5. That whenever said company shall have finished two miles or more of said road, they shall have power to erect gates and receive tolls, agreeable to the conditions and restrictions of sections twelve and thirteen of an act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine. When may take tolls.

When to commence and complete.

SECTION 6. That if said company shall not commence the construction of said turnpike road within three years, and complete the same within ten years from and after the passage of this act, this act shall become null and void, except so far as may be necessary to settle the affairs of said company.

Section of certain act repealed.

SECTION 7. That the fourth section of the act passed fifth April, A. D. one thousand eight hundred and fifty-two, entitled "An Act to incorporate the Union and Cambridge plank road company; relative to supervisors in Shrewsbury township, York county, and to the Birmingham and Elizabethtown turnpike road company," be and the same is hereby repealed.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 320.

AN ACT

To extend the time and increase the powers of the Waynesburg and Monongahela Turnpike Road company.

Commencement and completion of road extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for the commencement of the Waynesburg and Monongahela Turnpike Road company, incorporated by an act passed the twenty-fifth day of March, one thousand eight hundred and forty-eight, is hereby extended to five years, and the completion to ten years from the passage of this act, and the provisions of said act of incorporation are hereby revived and extended, with full force and effect, during said period.

Powers increased.

SECTION 2. That in addition to the powers contained in said act, the said company, if a majority of the members so determine, may instead of a turnpike road construct a plank road between the points named in said act, upon such plan, and of such dimensions, as shall be agreed upon, subject, however, to any general law or laws of the Commonwealth now in force regulating plank roads, and in such event, said company shall be styled the Waynesburg and Monongahela Plank Road company.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 321.

AN ACT

To incorporate the Wilkinsburg and Green Spring Turnpike or Plank Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Horner, George Johnston, John Rice, David Lytle, Joseph Als-Commissioners. house, and James Carothers, of Allegheny county, be and are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Wilkinsburg Name and and Green Spring Turnpike or Plank Road company," with power to locate Style. and construct a turnpike or plank road in said county, commencing at a point in Wilkinsburg, and running one mile or more, to connect with Location. the East Liberty and Penn Township plank road, on the Green Spring farm, owned by James Kelly, subject to all the restrictions and provisions of an act entitled "An Act regulating Turnpike and Plank Road Subject to provisions and restrictions of certain act. companies," approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the supplements thereto.

SECTION 2. That the capital stock of said company shall consist Capital stock. of one hundred shares, of ten dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock so much as may be necessary in their opinion for the completion of the road, and to carry out the true intent and meaning of this act.

SECTION 3. That whenever said company shall have finished one When may take mile or more of said road, they shall have power to erect a gate or tolls. gates and receive tolls, agreeably to the provisions and restrictions of the thirteenth section of the act of twenty-sixth of January, Anno Domini one thousand eight hundred and forty-nine, aforesaid.

SECTION 4. That the viewers to be appointed by the Governor, as Viewers. authorized by the twelfth section of the act last aforesaid, may be appointed whenever the company hereby to be incorporated shall have finished one mile or more of said road.

SECTION 5. That if said company shall not commence the construction of their road within two years, and complete the same within three Commencement and completion years from and after the passage of this act, then the same shall become of road. null and void, except so far as may be necessary to settle up the affairs and pay the debts of the company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D., eighteen hundred and fifty-three.

WM. BIGLER.

No. 322.

AN ACT

To incorporate Cambria Bridge company.

- SECTION 6.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*
- Commissioners.** James P. McConaughy, George S. King, Evan Roberts, James Potts, R. B. Gagely, Cyrus L. Pushing and S. A. Cox, of Cambria county, be and they are hereby created commissioners, authorized to receive subscriptions to the capital stock hereby created, at such times and places as a majority of them may direct, previously giving at least four weeks' notice thereof in a paper printed in Cambria county, of the time and place when and where the subscription shall be received, and at the time of subscribing for said stock, two dollars shall be paid to the commissioners, or some one of them, which money shall be paid over to the treasurer of said company, as soon as one is appointed, and the residue of said subscriptions shall be paid in such installments, and at such times and places, and to such persons as the president and managers of the company may direct.
- Subscriptions to stock, notice of time and place to be given.**
- Installments how to be paid.**
- SECTION 2.** When forty shares are subscribed, the persons holding the same are hereby created and incorporated into a company, by the name and title of the "Cambria Bridge company," and by that name those who have subscribed, and those that may hereafter subscribe, shall have perpetual succession, with all privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits, and of enlarging the same from time to time by a new subscription, in such manner and form as they shall think proper, if such enlargement shall be found necessary to build the bridge, or fulfil the intent of this act, and of purchasing and holding, to them and their successors, lands, tenements, hereditaments and estates, in fee simple, or any real or personal estate as shall be necessary and convenient to them in the prosecution of their work, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts of justice.
- Name & style.**
- Privileges and franchises.**
- Capital stock.** **SECTION 3.** That the capital stock of said company shall not exceed ten thousand dollars, and shall be divided into shares of twenty-five dollars each, and the subscribers to said capital stock shall pay the sum or sums of money for the shares by them held respectively, or by them subscribed, at such periods and in such installments as the directors of said company may order or determine.
- Notice of meeting of stockholders.** **SECTION 4.** That as soon as forty shares of the said capital stock shall be subscribed, it shall be the duty of the commissioners to give notice in one paper printed in Cambria county, for three weeks, of the time and place of a meeting of the stockholders, who shall on meeting proceed to organize the said company, and shall choose by ballot, in person or by proxy, one president, five directors, four of whom shall be a quorum, one treasurer, and such other officers as they shall deem necessary to conduct the business of said company until other officers shall be appointed, and the said president and directors shall make such by-laws and regulations for the government of said company as they
- Officers.**
- Quorum.**
- By-laws.**

shall think necessary and proper, consistent with the constitution and laws of this Commonwealth, for the well ordering of the affairs of said company, and fixing upon the site or location of said bridge, and each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election, if the number shall not exceed five, and one vote for every two shares above five and not exceeding nine, and one vote for every five shares above nine, until the number of votes amount to twelve, and that no person shall be entitled to more than twelve votes, and the stockholders shall meet on the last Saturday of December in every year, at such place as shall be fixed on by the president and directors, for the purpose of electing officers for the ensuing year.

Officers to fix upon location.

SECTION 5. The president and directors first chosen shall issue certificates of stock to the several stockholders, signed by the president and countersigned by the treasurer of said company, which certificates shall be transferable at the pleasure of the holder, in person or attorney, subject to the payment of any balance that may be due thereon, and the assignee holding such certificate, having caused the assignment to be entered in a book of the company to be kept by the treasurer for that purpose, shall be entitled to his or her just proportion of the capital stock, and of all the estate and emoluments of the company, in proportion to the number of shares by them held, and to vote at the meetings thereof as aforesaid, and the president and directors shall meet at such times and places as shall be agreed on for the transaction of business; at such meeting four members shall form a quorum for transacting business; they shall keep minutes of their transactions, entered in a book, and shall have authority to agree with and appoint engineers, artists, superintendents, and agents, as they shall think proper, to construct a bridge over the Conemaugh river, at or near the Broad Fording in Conemaugh township, in Cambria county, and to complete the same, and fix the salaries, and determine the time the stockholders shall pay their installments due on their respective shares, draw orders on the treasurer for money, the same to be signed by the president or chairman, and attested by the clerk, and to do and transact all things by this act and the by-laws and regulations of the company, that may be lawful.

Duties of president and directors.

SECTION 6. That the president and directors of said company shall keep just and fair accounts of all the money received by them in any way under the provisions of this act, and also all moneys by them expended and all voluntary contributions to said company, and shall at least once a year, or whenever called upon, submit their accounts to the inspection of any or all the stockholders.

Accounts to be kept.

SECTION 7. When a good and complete bridge is erected over said Conemaugh river at the place aforesaid, the company, their successors or assigns, may demand the same rates of toll as are allowed in entitled "An Act to authorize the Governor to incorporate a company to erect a bridge over the Juniata river at McVeytown, Mifflin county, and for other purposes," passed the thirteenth day of March, one thousand eight hundred and thirty-eight, and shall cause to be put up and kept up in some conspicuous place at the gates of said bridge, a list of the rates of toll.

When may take tolls.
Rates.

SECTION 8. That if any person shall wilfully cut, destroy, or break or remove from off said bridge, or any part thereof, any piece of timber, stone, plank, chain, bolt, or any materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending, shall forfeit and pay for every such offence, over and above the damage done to said bridge, the sum of

Penalty for injuries to bridge.

twenty dollars, to be recovered with costs in any court having jurisdiction thereof.

Accounts of
tolls.

Dividends.

Dividends to be
published.

Proviso.

SECTION 9. The said president and directors shall keep just and true accounts of all tolls received by their respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders of said *companies*, in proportion to the shares respectively held by each, and deducting therefrom all contingent costs and charges, and such proportions of said income as may by them be deemed necessary for a growing fund for repairing or rebuilding said bridge, and shall on the first Monday of January in each year, publish the dividends to be made of the clear profits thereof among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividends of profits shall be declared until all expenses of building and constructing said bridge shall be fully paid.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 323.

AN ACT

To incorporate the Martieville Turnpike Road company; authorizing the Sunbury Canal company to hold certain land; relative to the Erie Cemetery; to hawking and peddling in Jefferson county; for the relief of Charles Witman.

Commissioners.

Style.

Subject to provisions and restrictions of certain act.

Capital stock.
Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Maris Hoopes, Daniel Good, John J. Porter, John M'Cartney, Andrew Mehaffy, John Good, (miller.) Henry Eshleman, George W. Steel, David Bair, and David G. Eshleman, are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Martieville Turnpike Road company," with power to construct a turnpike road from the most convenient point on the Willow Street turnpike road, between the Lamb tavern and Willow Street, to Martie forge, subject to all the provisions and restrictions of the act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto.

SECTION 2. That the capital stock of said company shall consist of eight hundred shares, at twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders, at

a meeting called for that purpose, increase their capital stock so much as may be necessary in their opinion to carry out the true intent and meaning of this act.

SECTION 3. That the said company are hereby authorized to construct their turnpike road upon the Martie Forge road, from its commencement at the Willow Street turnpike road, or upon such parts thereof as they may deem expedient, and they are also authorized to change the location of said Martie Forge road, or the parts thereof, whenever they may deem it expedient to construct their turnpike road, to such distance as will be required to keep the turnpike road within the rise and fall required by the aforesaid act of Assembly, and the said company shall pay the damages sustained by the land holders by reason of such change of location, said damages to be fixed and determined as provided for in the aforesaid act of Assembly in respect to damages occasioned by reason of the construction of turnpike roads.

May construct road on Martie Forge road.

Damages.

SECTION 4. That whenever the said company shall have finished the said turnpike road, or any four miles thereof, the same proceedings may be had to enable the company to erect and fix gates upon and across the same, and collect tolls, as is provided in the aforesaid act of Assembly, in relation to any five miles of a turnpike road finished.

Tolls.

SECTION 5. That the said company shall commence said turnpike road within four years, and finish it within ten years, and failing so to do the provisions of this act shall be null and void.

Commencement and completion of road.

SECTION 6. That the Sunbury Canal company shall have power or authority to hold and purchase in fee simple, such land and real estate adjoining or near their said canal as they shall see proper, not exceeding two hundred acres, and shall have authority to make such docks, wharves, depots and landings therein, for the accommodation of the coal, lumber and other trade, as shall in the discretion of said company be deemed expedient, and should said company have or hold any surplus of real estate above authorized to be purchased and held, and which shall not be necessary for the purposes of docks, wharves, depots, landings, and other purposes of this act, they shall be and are hereby authorized and required to sell and dispose of the said surplus, at private or public sale, in parcels or together, as they shall judge most expedient, within five years after the passage of this act.

Sunbury canal company may hold lands for docks, &c.

May sell surplus lands.

SECTION 7. That said company shall have authority to increase their capital stock from time to time, to such amount as they shall deem expedient and necessary for the purposes of this act.

May increase capital stock.

SECTION 8. That in case of the death, removal, or resignation, of any of the managers of the Erie Cemetery, the remaining managers, or a majority of them, may appoint from the body of the corporators a suitable person to fill such vacancy, and the person or persons so appointed shall serve as manager or managers until the next annual election.

Erie cemetery, vacancies in board of managers, how filled.

SECTION 9. That hereafter no person or persons who are not residents of the county of Jefferson, shall sell or expose to sale within the limits of said county, as a hawk or pedler, or traveling merchant, any ready-made household furniture, ready made clothing, tin, japan, copper, sheet iron, and hollow-ware, without first obtaining a license so to do, and paying therefor to the treasurer of said county, for the use of the Commonwealth, a sum not less than twenty dollars nor more than fifty dollars, said amount to be determined by the treasurer, which license the treasurer of said county is hereby authorized and required to grant, upon the payment of such sum.

Jefferson county hawkers and pedlers required to take out license.

WHEREAS, The Commonwealth of Pennsylvania, on the seventh day of February, one thousand eight hundred and six, granted William

Preamble.

Witman, late of Berks county, a patent for a tract of donation land, numbered three hundred and ninety-three, called "Superior," containing two hundred acres, situated in Butler county, Pennsylvania, which was surveyed to Richard Ennis, late a private in the Revolutionary war, by virtue of an act of Assembly, dated February twenty-fourth, seventeen hundred and eighty-five, for services rendered, the title to which said tract of land by sundry conveyances became vested in the aforesaid William Witman, who by deed, dated twentieth day of October, one thousand eight hundred and twenty, conveyed the same to Charles Witman, of the county of Schuylkill :

Preamble.

And whereas, The Commonwealth of Pennsylvania, through her regularly appointed commissioners, sold the same tract of land to Jacob Meckling, as the property of the late John Nicholson, at and for the sum of seventy-two cents per acre, the principal amounting in the whole to the sum of one hundred and forty-four dollars ; therefore,

State treasurer
to pay Charles
Witman \$144.

SECTION 10. That the State treasurer be and he is hereby authorized and required to pay Charles Witman, of Schuylkill county, the sum of one hundred and forty-four dollars, as a full compensation for and in lieu of the aforesaid tract of donation land.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 324.

AN ACT

To appropriate the parade ground adjoining the Philadelphia county prison as a public square ; extending the time for commencing and completing the North Lebanon Railroad ; to the Jarretstown and Horsham Township Road company ; and authorizing the sale of certain real estate in Harris township, Centre county.

Parade ground,
Moyamensing.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the square in the rear of the Philadelphia county prison known as the "Parade Ground," be and the same is hereby declared to be open as a public square, and it shall be the duty of the county commissioners of said county to open streets around said square, fifty feet wide, according to the plan of said streets as laid down on the survey of the district of Moyamensing, and have the same graded, curbed and paved, the said district of Moyamensing to be at one-half the expense of grading, curbing and paving, and the owners of property fronting on said streets the other half, and in order that said parade ground shall be

made to square with the streets as now laid down on the survey of Moyamensing, the said county commissioners are hereby authorized to exchange, sell, or buy certain portions of ground adjoining the parade ground, so as to place the public square within the boundaries of Eleventh and Thirteenth streets east and west, and Wharton and Reed streets north and south, and in case the property to be sold or exchanged be not sufficient to pay for that which it is necessary to purchase to accomplish the aforementioned object, the commissioners of Moyamensing are authorized to settle for the same, and it shall be the duty of the said commissioners of the district of Moyamensing to put the said square in proper condition, so that it may forever hereafter be available for the citizens as a public square, and a parade ground for the military of the city and county of Philadelphia, and the commissioners of the district of Moyamensing shall have the sole management and control of said square, and keep the same forever hereafter in proper condition and repair. Commissioners of district to keep in repair.

SECTION 2. That all laws inconsistent with the foregoing, be and the same are hereby repealed: *Provided*, That nothing herein contained shall authorize the commissioners of the district of Moyamensing to plant trees, or so lay out the ground as in any manner to interfere with the use of the same for a public parade ground for the military of the city and county of Philadelphia, as directed by the thirty-ninth section of the act of sixteenth of April, one thousand eight hundred and thirty-eight, without the consent in writing being first had and obtained, of the general officers therein named for the time being. Repeal. Proviso.

SECTION 3. That the time limited for commencing the construction of the railroad authorized to be constructed by the North Lebanon Railroad company, incorporated by an act of the General Assembly, approved on the second day of April, eighteen hundred and fifty, be and the same is hereby extended for the term of two years, and the time limited for completing said railroad, be and the same is hereby extended for the term of four years. Commencement and completion extended.

SECTION 4. That the managers of the Jarrettown and Horsham Turnpike Road company, be and they are hereby authorized to borrow, on the faith of the company, fifteen hundred dollars. Jarrettown and Horsham turnpike company.

SECTION 5. That Benjamin Everhart, of Harris township, Centre county, or in case of his refusal or inability to act, any person appointed by the orphans' court of the county aforesaid, be and he is hereby authorized and empowered to sell at public sale and convey by deed or deeds in fee simple to the purchaser or purchasers, all the certain two tracts of land late the property of William Barr, deceased, situate in Harris township, Centre county, adjoining lands of George Boal, John Sparr, John Hasser, Robert Gohean, and others, containing one hundred and thirty acres or thereabouts, with the appurtenances, and divide the proceeds of said sale equally among the heirs and guardians of the minor children of said decedent, according to the true intent and meaning of the last will and testament of said deceased: *Provided*, That before any conveyance shall be made of the estate above mentioned in pursuance of any sale made by virtue of this act, the said sale shall be approved by the orphans' court of Centre county; and the Property of William Barr, deceased, authorized to be sold. Proceeds to be divided amongst heirs. Proviso.

said Benjamin Everhart shall further give security, to the satisfaction of said court, for the faithful application of the proceeds of said sale.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 325.

AN ACT

Relating to the Sunbury and Erie Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That for the purpose of constructing and equipping the Sunbury and Erie Railroad, the said Sunbury and Erie Railroad company is authorized to borrow money and to issue their bonds, (in sums of not less than one thousand dollars each,) at such rates of interest and on such terms as may be determined by the board of managers, and to secure the payment of said bonds by executing and delivering to such trustee or trustees as they may select, a mortgage or mortgages of all or any part of their estate, real and personal, rights, liberties and franchises; and further, if they think proper, to make the said bonds convertible into stock at par, which stock they are hereby authorized to issue when required.

May borrow
money.

SECTION 2. That the Sunbury and Erie Railroad company are hereby authorized to increase their capital stock two millions of dollars in addition to the amount now authorized by law.

May increase
capital stock.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 326.

AN ACT

Supplementary to an act altering and extending the powers of the corporation of Bristol borough, passed the fifteenth day of February, Anno Domini, one thousand eight hundred and fifty one; authorizing the School Directors of the borough of Bristol to borrow money; incorporating the Attleborough and Bloomville Turnpike Road company; relative to the improvement of French creek.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and council of said borough shall have power to lay out and construct streets, roads, lanes, alleys and highways, within said borough, and also to widen and straighten, or vacate any of the streets or alleys now laid out in said borough, whenever they shall deem it expedient for the public use, and the same when duly opened according to the provisions of this act, or by agreement of the parties interested, are hereby declared public highways, over which the burgess and council shall have exclusive jurisdiction.

Bristol borough,
power to lay
out streets, &c.

SECTION 2. That upon the complaint of any person or persons aggrieved by any regulation under the provisions of this act in relation to the laying out, widening and straightening any streets, roads, lanes, alleys and highways within said borough, to the court of quarter sessions in and for the county of Bucks, within two years after such street, road, lane, alley or highway has been opened, (but not afterwards,) it shall be the duty of the said court to appoint seven disinterested men, not residents of the said borough, to view and adjudge the amount of damage, if any, sustained, and the said amount of damage or damages shall be paid, after being approved by the said court, under the existing laws of this Commonwealth for ascertaining damages by public roads, by the burgess and council, out of the funds of said borough: *Provided always,* That it shall be the duty of the viewers in assessing damages, to take into consideration the advantages derived from such street, road, lane, alley or highway, passing through the land of the complainant or complainants; the viewers appointed under this act to ascertain damages sustained by individuals in opening streets, roads, lanes, alleys or highways in said borough, shall each of them take an oath or affirmation, before some justice of the peace, before entering upon the duties of their appointment, that they will justly and truly value the same, and also consider the advantage as well as the disadvantage of said street, road, lane, alley or highway.

Damages.

Provide.

Viewers.

SECTION 3. That so much of the twelfth section of the charter of said borough as is inconsistent with this act be and the same is hereby repealed.

Repeal.

SECTION 4. That the board of directors of the public schools of the borough of Bristol, in the county of Bucks, be and are hereby authorized to borrow a sum of money, not exceeding three thousand dollars, to be applied to the building, furnishing, finishing, et cetera, of a school house in said borough, to be used as a public school.

School directors
of Bristol, au-
thorized to bor-
row money.

SECTION 5. That the school directors of the borough of Bristol, aforesaid; shall be and are hereby required to set apart from the taxes annually collected, such sums as shall, with the interest thereon, enable

Taxes to be ap-
plied to pay-
ment of debt.

them, within a period of not more than twenty years, to pay off the entire amount of indebtedness made by this act.

- Commissioners.** SECTION 6. That Franklin Vansant, Edward Wildman, Rowland Mather, Joseph Vansant, John Wildman, Joshua Richardson, Joseph C. Law, William Blakey, Isaac Livizey, Pierson Mitchel, Alfred Marple, Charles Vansant, and M. W. Allen, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions to stock, and organize a company, by the name, style and title of "The Attleborough and Bloomville Turnpike Road company," with power to locate and construct a turnpike road from the intersection of the Newtown and Bristol, and Philadelphia and Trenton roads, in the village of Attleborough, township of Middletown, county of Bucks, and continuing on or near the bed of the old road from Attleborough to Philadelphia, to or near the end of the Bloomville Mill road, in the township and county aforesaid, to have the power to open said road thirty-three feet in width, and construct the artificial road not less than fourteen feet in width, subject to all the other provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, so far as the same be not inconsistent with this and the subsequent sections of this act.
- Style.**
- Location.**
- Subject to provisions of certain act.**
- Capital stock.** SECTION 7. That the capital stock of said company shall consist of one hundred and fifty shares, of twenty-five dollars each, but the said company may from time to time, by a vote of the stockholders, increase the capital stock, if it shall be deemed necessary to carry out the true intent and meaning of this act.
- Tolls.** SECTION 8. That when the said company shall have completed one mile or more of said road, they shall have power to erect toll-gates, and receive the same tolls per mile as are allowed by twelfth and thirteenth sections of act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, entitled "An Act regulating Turnpike and Plank Road companies."
- When to be commenced and completed.** SECTION 9. That if said company shall not commence the construction of said road within five years, and complete the same within seven years, this act shall be null and void and of no effect, except so far as may be necessary to settle up and pay the debts of said company.
- French Creek improvement, commissioners to disburse money.** SECTION 10. That Samuel S. Adrain, of Crawford county, be and he is hereby appointed commissioner to superintend the disbursement of the sum of fifteen hundred dollars, appropriated to the improvement of the navigation of French creek, by the sixth section of the act of April ninth, one thousand eight hundred and forty-nine, and that the said commissioner shall have power to disburse the said sum by contracts for making the said improvement, or otherwise, as to him shall seem most expedient for the public interest: *Provided*, That the said commissioner shall not be entitled to charge more than two dollars per day for his services while actually employed in said superintendence, and that the account of said commissioner shall be duly audited and settled by the Auditor General; and so much of the seventh section of the act aforesaid as is inconsistent herewith is hereby repealed; and Arnold Plumer, in whose hands the said fifteen hundred dollars now is, is hereby authorized to pay over the same to the said Samuel S. Adrain, whose receipt shall be a good voucher for the same: *Provided*, also, That the said commissioner, before receiving the money aforesaid, shall enter into bonds, with good and sufficient security, to be approved by the court of common pleas of Crawford county, for the faithful disbursement of the money under the provisions of this act:
- Proviso.** *And provided also*, That the bills rendered for all expenditures under
- Proviso.**

this act shall be verified by the oath or affirmation of the said commissioners: *And provided further*, That nothing contained in this section shall in any way be construed to cure any misuse or abuse of their franchises by the Franklin Canal company, or to confer upon the said company any additional privileges, or to release said company from any of the duties or obligations imposed by the several acts of Assembly incorporating the same. Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 327.

AN ACT

To incorporate the Bustleton and Holmesburg Turnpike Road company; extending the provisions of an act to prevent the running of swine at large to the counties of Tioga and Potter; authorizing the Surveyor General to issue a patent to the heirs of Nicholas Snow; relative to the real estate of Mary Robinson, deceased; authorizing the White Deer Bridge company to borrow money; authorizing John Farzinger and Cornelius Conner to collect certain taxes in the borough of Mauch Chunk, Carbon county; relative to the salary of the crier and tip-staves of the Supreme Court for the Eastern district; to an election district in Luzerne county; to reduce the number of supervisors in Catawissa township, Columbia county; and to the Town Council of the borough of New Brighton, Beaver county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Joseph L. Pennoek, George W. Holmes, Maxwell Rowland, John B. William, Levi Dewees, George Clark, Simon White, Charles Neville, John Farnham, Jesse Dungan, Charles Tilyer and Amos Gregg, of Philadelphia county, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Bustleton and Holmesburg Turnpike Road company," with power to construct a turnpike road, commencing at the intersection of the Welsh road and Bustleton turnpike in the village of Bustleton, and extending, for the most part on said Welsh road, to the Bristol turnpike, in the village of Holmesburg, with power to extend it further if said company shall deem it expedient to do so, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved January the twenty-sixth, one thousand eight hundred and forty nine: *Provided*, That the said company shall have power to erect gates and collect tolls on the said road when it shall have been completed between the points before named. Commissioners.

Location of road.

Subject to provisions of certain act.

Capital stock.

SECTION 2. That the capital stock of said company shall consist of nine hundred shares, of ten dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders had at a meeting called for that purpose, increase their capital stock if it shall be deemed necessary, in order to carry out the true intent and meaning of this act.

Commencement and completion of road.

SECTION 3. That if said company shall not commence the construction of their road within two years, and complete the same within five years, this act shall be null and void, except so far as the same may be necessary to settle up the affairs and pay the debts of the company.

Provisions of certain act extended to Tioga & Potter co's.

SECTION 4. That the provisions of an act of Assembly, passed one thousand seven hundred and five, and entitled "An Act to prevent the running of swine at large," be and the same are hereby extended to the counties of Tioga and Potter.

Surveyor General to issue a certain patent, &c.

SECTION 5. That it shall be lawful for the Surveyor General to issue a patent on payment of office fees, and any balance of purchase money due the Commonwealth to the heirs of Nicholas Snaw, late of Armstrong county, deceased, or to his administrators for their use, for the tract of land which he owned and upon which he resided at the time of his death, containing four hundred and five acres one hundred and twelve perches, more or less, warranted in the name of John Nixon, and situate in Brady's Bend township, in said county.

Preamble.

WHEREAS, Mary Robinson, late of the city of Philadelphia, widow, deceased, by her last will and testament, bearing date the twenty-first day of February, one thousand eight hundred and twenty-nine, among other things did authorize and empower the trustees therein named, or the survivors or survivor of them, to grant on perpetual ground rent or ground rents, all and every, or any of the vacant lots of ground which might be allotted to them in the division of her estate, as provided for her in said will, reserving thereout, payable to them, their heirs and assigns, for the same and like uses as they would have held the premises out of which the same was to be reserved, the best yearly rent, payable half yearly, that could be reasonably obtained therefor, free of any deduction for taxes, as in said will mentioned:

Preamble.

And whereas, In the division of the estate of the said Mary Robinson, deceased, made in conformity with her said will, a certain messuage and lot of ground situate at the North-west corner of Vine and New Market streets, in the Northern Liberties of the city of Philadelphia, containing in front on the said Vine street twenty-five feet, and in depth on New Market street ninety-six feet, to Holmes' alley, was inter alia allotted to the trustees for Sarah Peters Thompson, one of the daughters of the said Mary Robinson, deceased, in trust, agreeably to the will of the said Mary Robinson, deceased:

Preamble.

And whereas, David Hoopes, one of the trustees in the said will named, did refuse and decline accepting the trust reposed in him, and Thomas Robinson, one other of the trustees in the said will named, was by the court of common pleas of the county of Philadelphia duly discharged from the duties of the said trust, and Manuel Eyre, the remaining trustee in the said will named, having departed this life, the said court appointed Nalbro Frazier trustee for the said Sarah Peters Thompson, in the place of the said Manuel Eyre, deceased:

Preamble.

And whereas, The above mentioned messuage was destroyed by fire, in July one thousand eight hundred and fifty, whereupon the lot or piece of ground above described became vacant:

Preamble.

And whereas, The said Nalbro Frazier, trustee aforesaid, by three several indentures, bearing date respectively the thirteenth day of Jan-

uary, one thousand eight hundred and fifty-one, granted and conveyed the said lot of ground above described in three separate parts and parcels unto Aaron P. Bilyeau of the district of Spring Garden, in the county of Philadelphia, bricklayer, in fee, reserving for and out of each of the said parts of the said lot of ground a certain yearly ground rent, payable unto him the said Nalbro Frazier, his heirs and assigns, in trust for the same and like uses, intents and purposes mentioned, limited and declared in the said last will and testament of the said Mary Robinson, deceased, with respect to or of and concerning the part and share of her estate devised to the trustees therein named, in trust for the use of her daughter, the said Sarah Peters Thompson, with a proviso in each of the said indentures contained for extinguishing the said respective yearly ground rents at any time thereafter, upon the payment to the said trustee, his heirs or assigns, of the principal moneys therein respectively mentioned, and the arrears of the said several yearly rents to the time of such payments :

And whereas, The said Aaron P. Bilyeau, agreeably to the provisions in the said indentures contained, paid to the said Nalbro Frazier, trustee aforesaid, the principal sums in the said indentures respectively mentioned, and the arrears of the said respective rents, and the said Nalbro Frazier, by three several deeds poll bearing date respectively the eighth day of August, one thousand eight hundred and fifty-one, extinguished and released the said three several yearly ground rents unto the said Aaron P. Bilyeau, his heirs and assigns, and the said trustee hath securely invested the said principal sums in conformity with the will of the said Mary Robinson :

And whereas, Doubts have arisen as to the power of the said trustee to grant or dispose of the said lot of ground, and to convey the same on redeemable ground rents, and the said trustee and the cestuis que trust have made application for a law confirming and making valid the said sales of the said lot of ground above described, and the extinguishment of the said three several yearly ground rents thereout reserved, unto the said Aaron P. Bilyeau, his heirs and assigns, forever ; therefore,

SECTION 6. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the three several grants and conveyances of the lot of ground above described, and the extinguishment of the aforesaid three several yearly ground rents therein and thereby reserved, so as aforesaid made by the said Nalbro Frazier, trustee aforesaid, to the said Aaron Bilyeau, his heirs and assigns, be and the same are hereby confirmed, as fully and effectually, to all intents and purposes, as if full power and authority had been given and granted by the will of the said Mary Robinson, deceased, to the said trustee to sell and dispose of the said lot of ground or ground rents, and to extinguish and release the said rents.

SECTION 7. That it shall and may be lawful for the White Deer company to borrow any amount of money not exceeding four thousand dollars, for the purpose of finishing said bridge, and they are hereby authorized to issue their bonds thereof : *Provided*, That no bond shall be issued for a less amount than one hundred dollars.

SECTION 8. That from and after the passage of this act, it shall and may be lawful for John Fatzinger and Cornelius Conner, of the borough Mauch Chunk, in the county of Carbon, to collect and receive the several balances of unpaid taxes due upon the duplicate of Charles Snyder, collector of State and County taxes for the year eighteen hundred and fifty-one, and the said John Fatzinger and Cornelius Conner

Preamble.

Preamble.

Grants and conveyances confirmed.

White Deer bridge company may borrow money.

John Fatzinger and C. Conner authorized to collect unpaid taxes.

are hereby authorized to take possession of said duplicates and warrants, wherever the same may be found, and they are hereby authorized and empowered to proceed and collect the same, with the same power and authority as any other collector under the laws of this Commonwealth: *Provided, however,* That the time for collecting the same be and is hereby extended for two years.

Proviso.

Criers and tip-staves, Supreme court, annual salary.

SECTION 9. That the criers and tip-staves of Supreme Court and court of nisi prius for the Eastern district of Pennsylvania, shall, instead of a daily allowance, be allowed an annual salary of five hundred dollars, to be paid out of the treasury of the county of Philadelphia.

Jenkins tp., erected into a separate school district.

SECTION 10. That from and after the passage of this act, the township of Jenkins, in the county of Luzerne, shall be a separate election district, and the general and township elections shall be held at the school house near the house of S. Hodgdon, jr, in said township, and at the ensuing township election the present judge and inspectors of elections of South Pittston election district shall be the judge and inspectors of elections in said township.

Catawissa tp., Columbia county, repair roads and bridges.

SECTION 11. That the supervisor of Catawissa township, Columbia county, shall on the first Monday of April next, and on the first Monday of April every third year thereafter, at the place for holding elections in said township, receive written proposals to keep the roads and township bridges in said township in repair for three years from and after that day, for a certain sum annually, to be stated in each proposal, and shall then and there enter into a written contract, in the name of the township, with the person or persons proposing at the lowest sum, binding him or them, with good security, to keep the said roads and bridges in good repair and safe condition for three years from that day, and binding said township to pay to the said contractor or contractors the sum agreed upon to be paid annually, in manner as follows, to wit: to pay him or them at the end of each month one-twelfth part of the contract price agreed upon for that year, until the whole amount is paid: *Provided,* That no payment shall be made to said contractor or contractors at any time when said roads and bridges are not in good repair.

Proviso.

Second section of certain act repealed.

SECTION 12. That the second section of the act to reduce the number of supervisors in the township of Catawissa, in Columbia county, and for other purposes, approved the twenty-second day of March, one thousand eight hundred and fifty, be and the same is hereby repealed.

Part of Bridge street, New Brighton, may be vacated.

SECTION 13. That the town council of the borough of New Brighton, county of Beaver, are hereby authorized to pass or enact an ordinance vacating a portion or parts of Bridge street, in the borough of New Brighton, county of Beaver, lying in front of and bounding on the west lots numbered two and three, as described in plot of the said borough, on such terms and conditions as may be mutually agreed upon by and between the owners of said lots, number two and three, and the said town council of said borough.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

328.

AN ACT

To incorporate the Donegal Pleasant Grove Congregation, in Westmoreland county; and relative to the Jefferson and Ebensburg Plank Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the Presbyterian Church and Congregation of Donegal Pleasant Grove, in the county of Westmoreland, citizens of Pennsylvania, be and they are hereby created into a body politic and corporate, in deed and in law, by name, style and title of "The Presbyterian Church of Donegal Pleasant Grove," and by the same name have perpetual succession, and be able to sue and be sued, to plead and be impleaded, in all courts of law or elsewhere, and shall be able and capable in law and in equity to take and to hold, to them and their successors, for the use of said church, lands and tenements, goods and chattles, of whatsoever kind, nature or quality, real, personal or mixed, which now are or shall hereafter become the property of the said church or congregation by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage or dispose of, for the use of said church or congregation: *Provided,* That the yearly value or income of the said estate shall not at any time exceed three thousand dollars.

Corporation.

Name.

Privileges.

Proviso.

SECTION 2. That the trustees of said church and congregation shall be six in number, and until others shall be elected shall consist of the following named persons: James Withrow, John Burd, Mathew Burkholder, George Brugh, Alexander Caron, David Cunningham, to continue in office until the first Monday of December, one thousand eight hundred and fifty-four, on which day the members of the said congregation shall elect six persons to serve as trustees, two of whom shall serve for three years, two of them two years, and two of them one year from the said date, the time of service for each to be designated by the electors at the time of election, and their places shall be supplied respectively at the annual election to be held on that day, or on such other day as shall be appointed by the trustees in every year hereafter which shall hold the election, by the election of two persons to serve for three years, so that each trustee's term shall be three years after the first election: *Provided,* That in case of vacancy, by death or otherwise, the remaining trustees shall appoint a person or persons to fill the vacancy or vacancies until the next annual election, at which time an election shall be held to fill such vacancy during the unexpired time or term of the member occasioning the same.

Trustees.

Proviso.

SECTION 3. That the said trustees and their successors shall have power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the congregation, and to make, have and use one common seal, with such device and inscription as they shall think proper, and the same to break, alter or renew at their pleasure, and if the said congregation neglect on the day of the annual meeting to hold their election, the majority of

By-laws.

Seal.

the existing trustees may appoint any subsequent day on which the election may be held: *Provided*, That notice thereof be given from the pulpit, or such other manner as the majority of the existing trustees may think proper to direct, at least one week before the said election: *Provided*, That the said by-laws and ordinances shall not be inconsistent with the laws of this State or of the United States: *And provided further*, That no person shall be eligible to the office of trustee at the first election, or any subsequent election, who is not a member, in good and regular standing in said church, nor shall any person be permitted to vote at any election for trustees who is in arrears for more than one year's subscription or assessments for the support of the gospel in said church or congregation.

Officers. SECTION 4. That the trustees hereinbefore provided for shall, as soon as convenient after their appointment or election in each and every year, elect one of their number to act as president, and one of their number to act as secretary, and they shall choose one person out of the members of the congregation to serve as treasurer; the said treasurer shall keep a fair record of the state of the funds of the said congregation, which shall at all reasonable times be subject to investigation and settlement by the said trustees.

Duties of treasurer. SECTION 5. That no enumeration of powers, privileges and duties herein contained, shall be so construed as to exclude others not enumerated which are necessary to the proper fulfilment of the design and purpose of this corporation, and not inconsistent with the express provisions and limitations thereof, or of the Constitution and laws of this Commonwealth or of the United States.

Powers, &c., how to be construed. SECTION 6. That the public road called the Jefferson and Ebensburg road, in the county of Cambria, from the village of Jefferson to the point where the Jefferson and Ebensburg Plank Road leaves the same, in Summerhill township, and county aforesaid, a distance of about one mile, be vacated, and the Jefferson and Ebensburg Plank Road company have power to collect tolls for their road located thereon.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 329.

A SUPPLEMENT

To resolution entitled "Resolution authorizing the Canal Commissioners to purchase new locomotives," passed February eighth, one thousand eight hundred and fifty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the further sum of eight thousand dollars be and the same is hereby appropriated, in addition to the amount appropriated by the act to which this is a supplement, for the purchase of twelve locomotive engines by the Canal Commissioners for the use of the Commonwealth, and if the Canal Commissioners shall deem it expedient, they are hereby authorized to contract for two additional locomotive engines, and an amount sufficient to pay for the same is hereby appropriated: Provided, That the cost shall not be greater in proportion to weight and quality than the rates paid for the locomotive engines provided for by this act, and the act to which this a supplement.*

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 330.

AN ACT

To incorporate the Selins Grove Bridge company; and to authorize the Associate Congregation in the city of Philadelphia to sell certain real estate; and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Henry C. Eyer, Gideon Leisenring, H. W. Snyder, Edward Bassler, Commissioner, Ner Middleswarth, James Barbin, Charles A. Moyer, Wm. Cameron, John Walls, John Gundy, G. F. Miller, John Wilt, James K. Davis, and W. F. Wagenseller, of Union county, Peter Snyder, Jacob Hilbert, Felix Mowry, J. B. Packer, Ira T. Clement, E. Y. Bright, William Fegely, and Jacob Seasholtz, of Northumberland county, and*

Subscriptions to stock, notice to be given when and where received. — Worner, of Schuylkill county, be and they are hereby appointed commissioners, authorized to receive subscriptions to the capital stock hereby created, at such times and places as a majority of them may direct, previously giving at least three weeks' notice thereof in one of the papers printed in Union county, in one printed in Northumberland county, and one printed in Schuylkill county, of the time and place when and where subscriptions will be received, and at the time of subscribing for said stock five dollars shall be paid by each subscriber to the commissioners, out of which their expenses shall be defrayed, and the balance paid over to the treasurer of said company as soon as one shall be appointed, and the residue of such subscription shall be paid in such instalments, and at such times and places, and to such persons, as the president and managers of the company may direct.

When to be incorporated. SECTION 2. That when one thousand shares shall have been subscribed, the persons holding the same are hereby created and incorporated into a company, by the name and title of "Selins Grove Bridge company," and by that name those who have subscribed, and those that may thereafter subscribe, shall have perpetual succession, with all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to build the bridge and toll house, or fulfil the intent of this act, and of purchasing and holding, to them and their successors, in fee simple, any real or personal estate necessary for the erection of said bridge, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts of justice.

Capital stock. SECTION 3. That the capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, payable as aforesaid.

When to organize and elect officers. SECTION 4. That as soon as one thousand shares of the said capital stock shall have been subscribed, it shall be the duty of the commissioners to give notice in one of the papers printed in Union county, and one printed in Northumberland county, and one printed in Schuylkill county, of a time and place of a meeting of the stockholders, who shall on meeting proceed to organize the said company, and shall choose by ballot, in person or by proxy, one president, three managers, one treasurer, and such other officers as they shall deem necessary, to conduct the business of said company, and the said president and managers shall make such by-laws and regulations for the government of said company as they shall think necessary and proper, consistent with the laws of this Commonwealth, for the well ordering of the affairs of said company, and fixing upon the site or location of said bridge, and each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election, and the stockholders shall meet on the first Monday of June in every year, at such place as shall be fixed on by the president and managers, for the purpose of electing officers for the ensuing year.

By-laws. SECTION 5. That the president and managers first chosen, or their successors in office, shall issue certificates of stock to the several stockholders who shall have paid the full amount of their subscriptions, signed by the president and countersigned by the treasurer of said company, which certificates shall be transferable at the pleasure of the holder, in person or by attorney, upon the entry of said transfer being made in a book of the company, to be kept by the treasurer for that purpose, and the president and managers shall meet at such times and

Certificates of stock.

places as shall be agreed upon, for the transaction of business; they shall keep minutes of their transactions, entered in a book, and shall have authority to agree with and appoint engineers, artists, superintendents and agents, as they shall think necessary, to construct a bridge across the Susquehanna river at Selins Grove, and to complete the same, and fix the salaries, and determine the time the stockholders shall pay their instalments due on their respective shares, draw orders on the treasurer for money, the same to be signed by the president or chairman, and attested by the clerk, and do and transact all things by this act and the by-laws or regulations of the company that may be lawful; at such meetings the president and two managers, or all the managers without the president, shall form a quorum for transacting business.

Duty of president and managers.

Quorum.

SECTION 6. That it shall be lawful for the president and managers, their superintendents, engineers and workmen, to enter on lands and enclosures near the place where the bridge is to be built, and to cut and carry off any timber, dig gravel and sand, or quarry stone, necessary for building said bridge, also to enter thereon with wagons, carts, sleighs or beasts of burden or draught, and take or carry off any materials necessary for the construction of said bridge, doing as little damage as possible, and afterwards making amends for any damage that may be done, which damage, if the parties cannot agree, shall be submitted to the decision of three disinterested freeholders chosen by the parties, and if the parties cannot agree upon the men, or if either party on reasonable notice shall neglect or refuse to join in the choice, then said freeholders shall, on application, be appointed by any justice of the peace within the county not interested, who after being sworn or affirmed, shall assess or appraise the damage, and make report thereof to the justice of the peace who appointed them, and the said president, managers, or other persons employed by them, after the tender of the appraised value to the owner, may enter, chop, dig, quarry and carry off any material necessary in the building or repairing said bridge: *Provided*, That either party shall have the right to appeal to the court of common pleas of said county of Union or Northumberland, from the award of the said assessors of damages: *And provided further*, That said company shall not take possession of or use any private property against the consent of the owner, without first making compensation, or giving adequate security to make compensation therefor.

May enter upon lands and take materials.

Damages how settled.

Proviso.

Proviso.

SECTION 7. That the president and managers of said company shall keep just and fair accounts of all moneys received by them in any way under the provisions of this act, and also of all moneys by them expended, and all voluntary contributions to said company, and shall at least once a year, or whenever called on, submit their accounts to any or all the stockholders.

Accounts.

SECTION 8. That when a good and complete bridge shall have been erected over said river at the place aforesaid, the company, their successors or assigns, may demand and receive toll from travelers and others crossing the same, at the following rates: for every score of sheep or hogs, thirty cents; for every score of horned cattle, sixty cents, and so on in proportion for greater numbers; for every horse or mule, laden or unladen, with rider, fifteen cents; for every chair, chaise or sulkey, with two wheels and one horse, twenty-five cents; for every dearborn or light wagon with one horse, thirty cents; for every chaise, coach, phaeton, chair, wagon, coachec, or light wagon, with four wheels and two horses, forty cents; and with four horses, sixty cents; for every other carriage of pleasure under whatever name it may go, the like sum of toll, according to the number of wheels or horses drawing the same, and two oxen shall be rated as one horse or mule; for every

When may take tolls.

Rates of tolls.

- foot passenger crossing the bridge five cents; and they shall cause to be put and kept up in some conspicuous place at the gates of said bridge a list of the rates of toll: *And provided*. That the bridge shall be so constructed as not to injure or obstruct the free navigation of the Susquehanna river.
- Proviso.** SECTION 9. That if any person shall wilfully cut, destroy, break, or remove from off said bridge, or any part thereof, any piece of timber, stone, plank, chain, bolt, or any material whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they so offending, shall forfeit and pay for every such offence, over and above the damage done to said bridge, the sum of twenty dollars, to be recovered, with costs, in any court having jurisdiction thereof, in addition to any punishment or penalties prescribed by the laws of this Commonwealth for similar offences.
- Accounts of tolls to be kept.** SECTION 10. That the said president and managers shall keep fair and just accounts of all tolls received by their respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders of said company, in proportion to the shares respectively held by each, and deducting therefrom all contingent costs and charges, and such proportion of said income as may by them be deemed necessary for a growing fund for repairing or rebuilding said bridge, and shall on the first Monday of June in each year, notify the stockholders, by publication or otherwise, of the time and place when and where the said dividends shall be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividends of profits shall be declared until all the expense of building and constructing said bridge shall be fully paid.
- Dividends.**
- Proviso.** SECTION 11. That the said bridge shall be so constructed as not to interfere with its use as an ordinary road bridge, and at the same time be adapted to the purpose of a railroad bridge, for a single track of railway to be laid thereon.
- To be adapted to a railroad bridge.** SECTION 12. That the president and directors of the Susquehanna railroad shall have authority to subscribe to the capital stock of said bridge, and the stock so subscribed shall vest in said railroad company, and shall be transferable by the said president and directors, in the same manner that other stock of said bridge company may be transferred, and upon such subscription being so made to the capital stock of said bridge for not less than two hundred shares, the said Susquehanna Railroad company may construct a branch of their railroad from the east end of the said bridge, crossing the same with a single track, and extending into the town of Selins Grove, Union county.
- Susquehanna railroad co., authorized to subscribe stock.** SECTION 13. That said company shall commence the construction of said bridge within two years from the passage of this act, and complete the same within six years thereof, or the privileges hereby granted shall revert to the Commonwealth.
- When to be commenced and completed.** SECTION 14. That the trustees of the Associate congregation in the city of Philadelphia, or a majority of them, shall be and are hereby authorized to sell and convey, either at public or private sale, in fee simple, or otherwise, and for cash or upon ground rent, or upon such other terms as to them may seem advisable, the church and entire lot of ground of the said the Associate congregation in the city of Philadelphia, situate on the north-side of Walnut street, between Delaware Fourth and Fifth streets, in the city of Philadelphia, with all the privileges and appurtenances thereto belonging, and also a certain lot of ground situate at the south-west corner of Thirteenth and Budd streets in the said city, containing in front on said Thirteenth street forty feet, and in depth in said Budd street seventy feet, and that the said trus-
- Associate congregation Philadelphia authorized to sell real estate, and purchase other property.**

tees, or a majority of them, with the consent of a legally called meeting of the said congregation, shall be and are hereby authorized to purchase a lot of ground in Lombard ward, in the said city, or in its immediate vicinity, and to erect thereon a house of worship, suitable to the wants and wishes of the said congregation, procuring for the said lot a deed of conveyance to the said the Associate congregation in the city of Philadelphia, its successors and assigns, containing all the provisions, conditions, powers and duties specified in the deed or deeds by which said the Associate congregation in the city of Philadelphia, now hold the real estate by this act authorized to be sold, and the proceeds of such sale or sales hereby authorized, shall be applied in the first place in payment of the said lot and the erection of the said house of worship hereby authorized to be purchased and erected, and the surplus, if any, shall be applied towards the ordinary annual expenses of the church hereby authorized to be erected, and for no other purpose whatever.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 331.

AN ACT

To incorporate the Harrisburg Female Seminary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there be and is hereby established in the borough of Harrisburg, in this Commonwealth, a Seminary for the education of females in the various branches of science, literature, the ancient and modern languages, and other branches of education, and accomplishments suitable for females, by the name, style and title of "The Harrisburg Female Seminary;" the said seminary to be under the management, direction and control of seven trustees, who shall appoint one person as president, one person as treasurer, and one person as secretary; four of said trustees shall constitute a quorum, and be competent to fill vacancies in their own body, also to prescribe the duties authorized and required to be performed by the different officers whom they may select, of whom the president and treasurer shall be chosen from among the said trustees.

SECTION 2. That the first trustees of the said Seminary shall consist of the following persons, to wit: James W. Wier, William M. Kerr,

Privileges. John A. Fisher, John C. Kunkel, Daniel D. Boas, James R. Jones, and George H. Small, which said trustees, and their successors, to be hereafter elected by the stockholders of said Seminary, shall forever hereafter be, and they are hereby erected into and declared to be a body politic and corporate, with perpetual secession, and with all the incidents of a corporation in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The trustees of the Harrisburg Female Seminary," by which name, style and title, the said trustees and their successors shall be able and capable at law and in equity to purchase, take, hold and possess, to themselves and their successors, for the use of the said Seminary, any estate in any messuages, lands, tenements, hereditaments, goods, chattles, moneys, or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, of any person or persons or corporations whatsoever :

Proviso. *Provided*, That the annual income of the same, exclusive of the income or receipts from the pupils, their parents or guardians, does not exceed the yearly value of three thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assign, demise, rent, lease, and to farm, let, and to place out on interest, or otherwise dispose of or invest for the use of the said Seminary, or to the stockholders, and to erect the necessary buildings thereon for the use of said Seminary, in such manner as shall seem to them most beneficial, and to receive the rents, issues, profits and income of the same, and to apply the same in dividends among the said stockholders, in proportion to the amount of stock held by each person, and by the same name to sue, commence actions, prosecute and defend, implead and be impleaded, in any court of law or equity, and in all manner of suits and actions whatsoever, and to transact all matters and things incident thereto, as fully and effectually as any natural person or body politic or corporate have power to manage their concerns.

Seal. SECTION 3. That the said corporation may cause to be made for their use a common and corporate seal, by and with which all deeds, certificates, appointments, and acts of the said corporation shall pass and be authenticated, and the same seal at their pleasure to break, alter or renew.

When books for subscriptions to be opened. SECTION 4. That the said trustees herein named are hereby authorized to open books on or before the first day of July next, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the trustees of the Harrisburg Female Seminary the sum of twenty-five dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such time or times as shall be required by said trustees." and shall thereupon proceed to receive, at present and until otherwise determined by a majority of the trustees for the time being, subscriptions for the stock of said corporation, not exceeding the sum of six thousand dollars, divided into shares of twenty-five dollars each, payable at such times and places, and in such instalments, as they may deem advisable, and it shall be lawful for any person or persons, body politic or corporate, to subscribe for as many shares as he, she or they may think proper.

Certificates of stock may be issued. SECTION 5. That said trustees shall be and are hereby authorized to issue certificates of stock, in shares of twenty-five dollars each, to the amount which may be hereafter respectively subscribed and paid by individuals or bodies politic or corporate, to and for the use and benefit of said seminary, which certificates, signed by the president and secretary of the said board of trustees, shall be issued to the persons,

or to the heirs and legal representatives of all persons, bodies politic or corporate, who have so as aforesaid subscribed and paid, or who may at any time hereafter subscribe and pay, and shall be entered in a book kept by said secretary for that purpose, in which also shall be entered every transfer of such certificates, which may be duly made in the presence of and attested by the president of said board of trustees.

SECTION 6. That there shall be held an election of trustees of said seminary, in the place of the board of trustees appointed by this act, on the first Monday of January next ensuing the passage of this act, and on the same day of each year thereafter, at the building occupied by said seminary, of which time and place the trustees shall give at least twenty days previous notice, by publication in two newspapers printed in said borough of Harrisburg, which said election shall be conducted by any two of the existing and acting trustees appointed by the board for that purpose, and any stockholder shall be allowed to vote at such elections, in the ratio of one vote for each share of stock which he or she shall or may own or hold, and standing in his or her name on the books of the corporation at the time of such election: *Provided, however,* That if from any cause said election for trustees shall not be held at any time designated in this section, then it may and will be proper and in the power of any ten or more of the actual stockholders to hold the said election, upon giving at least twenty days previous public notice, by publication in two newspapers as aforesaid, of the time and place of holding the same, and it shall be in the power of the existing trustees to retain their authority until their successors are duly and legally elected, as aforesaid.

Elections for trustees to be held.
Notice of elections to be published, and how to be conducted.
Proviso.

SECTION 7. That the secretary of the board of trustees shall keep a correct record of the proceedings of the board, in a book provided for that purpose, and it shall be the duty of the board of trustees to present a detailed report of their proceedings, and of the condition and operations of the treasury, to a public meeting of the stockholders, within thirty days of the expiration of the term for which said trustees may have been elected, and not less than ten days before the expiration of the said term, which report, together with the books of the corporation, shall be open at all proper times to the examination of all persons interested as stockholders of said corporation.

Secretary to keep record of proceedings of trustees.
Record of proceedings to be submitted to stockholders.
Books to be open to inspection.

SECTION 8. That the treasurer shall receive and hold all moneys belonging to said corporation, and pay out the same to the order of the board, signed by the president and secretary, and he shall keep fair accounts thereof, which shall be audited and settled by the trustees, in the same manner as the accounts of the treasurer of common school districts are now by law audited and settled, and before entering upon the duties of his office, shall give a bond, with one or more sufficient sureties, to be approved by the board of trustees, in a sum equal to double the estimated amount of money to be received by him, conditioned for the faithful discharge of the duties of his office, and the payment of all monies remaining in his hands at the end of the year to his successor in office, and the secretary and treasurer may receive such compensation as may be thought reasonable by the board of directors.

Duties of treasurer.
Compensation.

SECTION 9. That at the same time and place for the annual election of trustees, the stockholders shall also elect from among their own number three auditors, whose duty it shall be to investigate and audit the accounts of the out going trustees, and treasurer, and present a written report of their proceedings to a meeting of the stockholders, which meeting shall be the same called to hear the annual report of the trustees.

Auditors.

Trustees may
lease estate.

SECTION 10. That said trustees may if they deem it expedient, lease and hire out the real estate and effects of said corporation to a competent teacher or teachers, and receive and collect rent and compensation for the use of such real and personal estate, and the same to divide ratably among the stockholders, after first deducting all necessary charges and expenses for repairs, taxes, and the due management of the affairs of said corporation.

Misnomers.

Proviso.

SECTION 11. That no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to or from the said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the part of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or from said corporation.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 332.

AN ACT

For the establishment of the Pennsylvania Female College, at Harrisburg.

Corporators.

Style.

Trustees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* there is hereby erected, established and incorporated, at or near the borough of Harrisburg, in the county of Dauphin, in this Commonwealth, a college, for the liberal education of females in the various branches of general knowledge, science, literature, and the learned and foreign languages, under the name, style and title of "The Pennsylvania Female College," under the direction of the Governor of this Commonwealth, the Superintendent of Common Schools of this Commonwealth, Luther Reily, A. O. Hiester, Simon Cameron, William Dock, John Maglaughlin, Benjamin Parke, John J. Clyde, Robert J. Ross, Stephen Miller, Daniel W. Gross, Hamilton Alricks, Robert A. Lamberton, John H. Briggs, of Dauphin county, Otis H. Tiffany, Charles E. Blumenthal, of Cumberland county, James Buchanan and George Ford, of Lancaster county, John Weidman, Levi Kline, of Lebanon county, William H. Allen, Job R. Tyson, and George W. Wharton, of Philadelphia, as trustees, and their successors, together with such other persons as shall be made trustees in the manner hereinafter provided, who are hereby created, established and incorporated, and declared to be a body politic and corporate, in deed and in law, with all the incidents of a corporation, hereby empowered and made

capable at law and in equity to take, to themselves and their successors, Privileges. for the use of said college, any estate in any messuages, lands, tenements, goods, chattels, moneys, or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, of any person or persons, body politic or corporate, either municipal or otherwise, whatsoever: *Provided*, The same do not exceed in the whole the yearly Proviso. value or income of fifteen thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real or personal, to grant, bargain, sell, convey, assure, devise, and to farm, let, and place out on interest, or otherwise dispose of, or invest for the use of said college, in such manner as to them or a quorum thereof, shall seem most beneficial to the said institution, and to receive the rents, issues, profits, income and interest of the same, and apply the same to the proper use of the said college, and by the same name to sue, commence, prosecute and defend, implead and be impleaded, in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally, by and in the same name, to do and transact all and every business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person or body politic or corporate have power to manage their own concerns, and to hold and enjoy and exercise, as far as may be applicable to a college for the education of females, all the powers, authorities and jurisdictions granted to the other colleges within this Commonwealth.

SECTION 2. That the first meeting of the said trustees shall be Meeting of trustees. within three months after the passage of this act, at such time and place in Harrisburg as shall be fixed by at least seven thereof, of which meeting at least three weeks' notice shall be given, by public advertisement in two of the newspapers printed in Harrisburg; if at such or any subsequent meeting seven of the said trustees shall not be present, then those who are present shall have power to adjourn to any other day, of which they shall give like notice as heretofore specified, but when seven or more of said trustees shall meet, at any time and place so appointed and fixed, they shall be capable of organizing, electing May organize officers to serve until the next annual meeting, or until others shall be and elect officers. duly elected or appointed, and generally of doing and transacting all other business, matters and things appertaining to said college, as fully and effectually, to all intents and purposes, as the trustees of the other colleges in this Commonwealth are by law authorized and empowered to do.

SECTION 3. That there shall be an annual meeting of the trustees Meetings. of this college at Harrisburg, on the third Friday of May in each year, and also such other stated meetings as may be fixed by the by-laws; of the time and place of all meetings of the trustees after their organization, written or printed notices shall be given to each trustee, or sent to him through the medium of the post office, at least ten days before such meeting; seven of the trustees, if no more be present, shall be a quorum for the transaction of all business, but a less number may adjourn from time to time until a quorum shall be present; special Quorum. meetings of the trustees may be held by adjournment, or upon the call of the president or any five trustees; all questions shall be decided by a majority of those present, and the trustees when so convened, shall at all times have power and be capable of making and enacting by-laws By laws. and ordinances for the government of said college, electing trustees in the place and stead of such as may die or resign, or who, having been Powers. duly notified, have failed for more than twelve months to attend the stated meetings of the trustees, of removing the principal or any other of the professors or teachers or assistants, for misconduct, neglect of

duty, breaches of the ordinances of the institution, or other cause which may be deemed sufficient, and filling their places, and generally of doing and transacting all other matters and things appertaining to the welfare of said college; at the annual meeting, or the first thereafter at which a quorum shall be present, a full and perfect statement of the finances, accounts of the college, shall be made by the proper officers, the president and other officers for the year elected, the principal and other professors appointed, and their salaries and stipends fixed.

Increase of
trustees.

Proviso.

SECTION 4. That the number of trustees of this college may hereafter be increased by the addition of twelve members, in the following manner: any person paying to the treasurer of the trustees the sum of one thousand dollars, shall be a trustee of said college for life; every two or more persons paying in like manner the sum of one thousand dollars, shall be entitled to elect a person who shall be a trustee of said college for three years, and until the said contributors shall elect his successor: *Provided*, That when by such contributions and elections the number of trustees shall amount to fifty, the trustees created by this act, or their successors, shall determine by lot and designate one whose term shall then expire, to give place to the trustee next created by contributors, which process of designating a trustee to retire shall be repeated as often as others are by contribution created, until the whole of said trustees named in this act and their successors, except the Governor and Superintendent of Common Schools, shall have retired.

No person ex-
cluded on ac-
count of reli-
gious sentiments.

SECTION 5. That persons of every religious denomination shall be capable of being elected trustees, or appointed professors and teachers, nor shall any person, either as trustee, professor, tutor, or pupil, be refused admittance into said college, or denied any of the privileges, immunities or advantages thereof, for or on account of his sentiments in matters of religion.

Reservation.

SECTION 6. That the Legislature hereby reserves the right to revoke, alter or amend this charter, whenever to them it may seem expedient.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 333.

AN ACT

To annul the marriage contract entered into between Emily D. Whaley and James E. Whaley.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Emily D. Whaley, late Emily D. Jeffries, and James E. Whaley, be and the same is hereby declared null and void, and said parties are hereby discharged from all liabilities and obligations growing out of the same, as fully and absolutely as if they had never been joined in marriage.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 334.

AN ACT

To incorporate the Safe Harbor and Susquehanna Turnpike Road company; authorizing the widening of Locust street, in Lancaster city; relative to subscriptions to the capital stock of the Connellsville Railroad company; and changing the name of the Wellersburg and West Newton Plank Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Griffin, Henry Shenk, Samuel Harnish, Jacob Warfel, George Hess, David Hess, Henry Funk, Doctor John Kendig, William McCreary, J. H. Kurtz, Jacob Hoover, John Kolp, Abraham Peters, John Brady, Jacob Fehl, and Hugh Mehaffy, are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the style and title of "The Safe Harbor and Susquehanna Turnpike Road company," with power to construct a turnpike, commencing at the bridge at widow Hess' tavern, in Safe Harbor; thence along Conestoga creek to the Susquehanna river; thence down said river to the York Furnace bridge, in Lancaster county; subject to all

Commissioners.
Style.
Location of road.

Subject to provisions of certain act. the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the supplements thereto.

Capital stock. SECTION 2. That the capital stock of said company shall consist of five hundred shares, at twenty-five dollars per share: *Provided*, That the said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as may be necessary in their opinion to carry out the true intent and meaning of this act.

Commencement and completion of road. SECTION 3. That the said company shall commence said road within two years and finish it within six years from the passage of this act, and failing so to do, the provisions of this act shall be null and void.

Locust street, Lancaster, to be widened. SECTION 4 That the Select and Common councils of Lancaster city, be and they are hereby authorized and required to cause the street commissioners of said city to widen or cause to be widened the public alley running from Factory road north-eastward along the south-eastern boundaries of the Adamstown lots to Montgomery's lane, into a public street, to be called Locust street, of the width of thirty-nine feet: *Provided*, The property holders along said alley shall first release all claims for damages on account of the widening of said street.

Certain counties authorized to borrow money. SECTION 5. That the several counties heretofore authorized to subscribe to the capital stock of the Pittsburg and Connellsville railroad company, be and the same are hereby authorized to borrow money to pay for such subscription, and, to make provisions for the payment of the principal and interest of the money so borrowed, as in other cases of loans of said counties, and no bond shall be issued for a less sum than one hundred dollars, and the certificates of loan, or bonds issued or to be issued by either of said counties for the purpose aforesaid, bearing an interest of six per centum per annum, payable half yearly, may be received as cash by the said railroad company, in the payment of instalments on shares subscribed by such county: *Provided*, That whenever certificates of loan or bonds shall be given by such county in payment of subscriptions, the same shall not be sold by said railroad company for less than their par value, and so much of the act incorporating said company as limits the route of their railroad to the course of the Monongahela and Youghiogheny rivers, be and the same is hereby repealed, so far as the same effects that portion of the line lying between the city of Pittsburg and a point on the Youghiogheny river not less than six miles below Connellsville, and the said railroad company are hereby authorized to mortgage or otherwise encumber their said road, and any real and personal estate which may belong to it, for the purposes of carrying out the privileges granted by the act and the several supplements thereto incorporating the same; that the bonds which may be issued by any county, corporation or municipality, as also the bonds or certificates which may be issued by said company to the stockholders in the same, shall not be subject to taxation until the clear profits of said railroad shall amount to six per cent: *Provided*, That no bond shall be issued for a less sum than one hundred dollars.

Proviso.

Pittsburg and Connellsville railroad, may extend road.

SECTION 6. That the Pittsburg and Connellsville Railroad company are hereby authorized to extend their road to any point they may select in Somerset or Bedford counties; so to form a connection with the Chambersburg and Allegheny railroad, or any other railroad that may be constructed.

SECTION 7. That the name and style of the Wellersburg and West Newton Plank Road company shall be changed to that of "The Pittsburg and Cumberland Plank Road company," and by and under that name and style, shall have all the powers, rights, authorities, franchises and privileges, which the said Wellersburg and West Newton Plank Road company now possess: *Provided*, That all suits now pending wherein the said Wellersburg and West Newton Plank Road company is a party, either plaintiff or defendant, shall in no wise be affected by this change, but the same shall be proceeded in to final judgment as if the name of said company had remained unchanged.

Wellersburg and West Newton plank road, name changed.

Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 335.

AN ACT

To incorporate the Butler Coal company; conferring Chancery jurisdiction upon the courts of Luzerne county; authorizing the School Directors of Danville to sell real estate; extending time for running boundary lines between Wayne and Pike counties; relative to the Cumberland road; to Courts in Fayette county; authorizing the School Directors of Washington borough, in Washington county, to sell real estate; relative to acknowledgment of Deeds by married women; authorizing trustees of Methodist Episcopal church of Woodbury township, Bedford county, to sell real estate; relative to paving Streets in Penn district, Philadelphia county; to holding special Courts by Judges of other districts; and to courts in the city of Carbondale, and in Wyoming county; and to the survey in Passyunk township, Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John N. Conyngham, John L. Butler, Lord Butler, Garrick Mallory and Charles Miner, and their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, by the name, style and title of "The Butler Coal company," for the purpose of mining coal, and for the transacting the usual business of companies engaged in the mining, transporting to market, and selling coal, and the other products of coal mines; and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, and to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the said corporation, consistent with the laws of the United States and of this Commonwealth, and generally

Corporators.

Object.

Privileges.

- to do and exercise for the well-being of said company, whatever shall lawfully pertain to such bodies politic : *Provided*, That nothing herein contained shall be considered as in any way giving to said company any banking privileges, but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: *And provided further*, That said company shall pay to the State Treasurer one per centum on its capital stock, in five instalments of four hundred dollars each, the first to become due and payable six months after the passage of this act, and the remaining four installments at intervals of twelve months each.
- Proviso.**
- Proviso.**
- Right to hold lands.**
- Proviso.**
- Capital stock.**
- When letters patent may be granted.**
- Style.**
- Directors when and how to be chosen.**
- Notice of elections to be given.**
- Proviso.**
- SECTION 2.** That the said company shall have the right to hold, either by purchase or lease, not exceeding one thousand acres of land at any one time, the whole to be within the townships of Wilkesbarre and Pittston, in the county of Luzerne, in the Commonwealth of Pennsylvania, and the same, or any part thereof, to sell or otherwise dispose of, as the interest of the company may require: *Provided*, That the said company may hold as above such lots of land, not exceeding five acres in each township, as may be found convenient, as a place of deposit in the transportation and sale of the products of their mines.
- SECTION 3.** That the capital stock of said company shall be and consist of two hundred thousand dollars, and shall be divided into two thousand shares of one hundred dollars each, which capital stock shall only be employed in the holding and purchasing the lands aforesaid, with the improvements, if any, thereon, and in constructing such other improvements, buildings, cars, boats, engines and machinery, as may be necessary or useful for the mining, transportation and sale of coal, and in the payment of such salaries, wages and other expenditures, as shall be requisite for the purposes aforesaid of the company, and said stock shall be assignable and transferable, according to such rules as the board of directors shall establish.
- SECTION 4.** That when the above named John N. Conyngham, John L. Butler, Lord Butler, Garrick Mallery, Charles Miner, and their associates, shall have subscribed fifteen hundred of the shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital aforesaid in purchasing lands, and in such other investments as are authorized by this act, for the use of said company, the Governor, on due evidence thereof, shall by letters patent, under his hand and the seal of the State, create and erect the said John John N. Conyngham, John L. Butler, Lord Butler, Garrick Mallery, Charles Miner, and their associates, successors and assigns, into one body corporate, by the name, style and title of "The Butler Coal company."
- SECTION 5.** That the affairs of said company shall be managed by five directors, to be chosen annually from the stockholders; the first election shall be held in the borough of Wilkesbarre, in the county of Luzerne, within thirty days after letters patent aforesaid shall have been issued, of which election public notice shall be given by three or more of the corporators named in the first section of this act, at least two weeks prior thereto, in one newspaper printed in the county of Luzerne, and the subsequent elections shall be held annually, at such convenient time and place as the directors shall determine, of which thirty days previous notice shall in like manner be given by the president of said company, or by any three of the directors: *Provided*, That in the event of the failure to hold such election, the former directors may continue in office for a period not exceeding six months, or until such election shall be held.

SECTION 6. That the election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following, that is say: for each share and not exceeding four shares one vote; for every two shares above four and not exceeding ten one vote; for every four shares above ten and not exceeding thirty one vote; for every ten shares above thirty and not exceeding one hundred one vote; for every twenty shares above one hundred one vote: no share shall confer a right of voting which shall not have been transferred at least three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right or in that of his wife, or for his or her sole use and benefit, or as an executor or administrator, trustee or guardian, or in the right or for the use and benefit of some copartnership, society, or corporation, of which he or she may be a member, and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An Act to regulate proxies."

Elections to be held by ballot.

Proxies.

SECTION 7. That the directors shall, as soon as convenient after their election, choose one of their number as president, to serve for one year; they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation or otherwise, until the next annual election; at all meetings of the board three directors shall form a quorum to transact business.

Officers.

Vacancies.

Quorum.

SECTION 8. That the directors may from time to time call in, on thirty days notice thereof, in at least one newspaper printed in the county of Luzerne, such installments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof at any one time and place appointed, and if any installment on the stock so called in shall remain unpaid for the space of thirty days after the time so appointed, every such stockholder, or his or her assignee, shall, in addition to the installment so called for, pay at the rate of two per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to said company, and may be sold to any person or persons willing to purchase, for such prices as can be obtained for the same; or in default of payment by any stockholder of any such installment, as aforesaid, the president and directors may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any installment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Installments.

Forfeits.

Proviso.

SECTION 9. That dividends of so much of the profits of the company as shall appear to the directors advisable, may be declared twice a year, and paid to the stockholders or their legal representatives on demand, at any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never thereby be impaired, and if any dividend shall be declared which shall impair the capital stock of the said company, the directors consenting thereto shall be liable in their individual capacities to said company for

Dividends.

Proviso.

the amount of the stock so divided, and each director present when such dividend shall be declared, shall be adjudged consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend: *Provided*, That the president or secretary of said company shall annually in the month of January, transmit to the Auditor General, under oath or affirmation, a statement of the receipts and expenditures thereof, the amount of the actual capital invested, and of any dividends or profits which may have been declared or ascertained, and the number of acres of land held, and of tons of coal sent from their mines during the preceding year, and shall also state the names of all stockholders at the date of such report.

Damages how settled.

SECTION 10. That it shall not be lawful for the said president, directors and company, nor any of their agents, nor any other person whatever employed by or under them or any of them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for the construction and completion of a railroad or railroads, or any part thereof, either by the making of any excavation or embankments, or for the mere purpose of searching for stone, earth, gravel, or for the felling of timber, for the construction and completion of the said road or roads, until the rate of compensation for injury sustained or to be sustained by reason of the construction thereof, shall have been previously ascertained and paid, or the amount thereof secured in such manner as shall prove satisfactory to the owner or owners of such land, which said compensation, if the parties cannot agree thereon, shall be ascertained by five suitable and disinterested persons, or any three of them, to be by them chosen, to estimate such damages, who shall be under oath or affirmation fairly and impartially to estimate the same, and who shall reside within the county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said company, but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner shall refuse or neglect to join in such appointment, within twenty days after requisition made upon him for that purpose, or if such owner be feme covert, under age, non compos mentis, out of the State, or unknown, then it shall be lawful for the court of common pleas of the county in which the land lies, on application of either party, and at the cost and charges of said company, to appoint five disinterested persons of said county to view, examine and estimate the injury or damages, if any in their opinion may be sustained, by reason of said railroad or railroads, and report the same, under their oaths or affirmations, or under the oaths or affirmations of any three of them, to the said court, within ten days thereafter, which report, if confirmed by the said court, judgment shall be entered thereon; and the viewers and appraisers shall be entitled to one dollar per day for their services, to be paid by said company, and it shall be the duty of said viewers and appraisers to take into consideration in estimating such injury or damage, the advantage to be derived by said owner or owners of said lands by means of said railroad or railroads: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases.

Compensation to viewers.

Proviso.

Process on agents, &c., to be valid.

SECTION 11. That any legal process served on any agent or manager of said company is hereby declared to be, to all intents and purposes, as valid as the same would have been if served on the president and directors thereof.

May erect branches.

SECTION 12. That the company hereby incorporated shall have power to construct railroads, with one or more tracks, from any point

or points on their lands, to connect with the North Branch canal, or any railroad, at such point or points as may be deemed proper, not exceeding five miles in length, under all the provisions of the tenth and succeeding sections of the act regulating railroad companies, approved nineteenth February, eighteen hundred and forty-nine.

SECTION 13. That the stockholders of said company, whether holding the certificates of stock in their own names, or being the parties beneficially interested therein, shall be jointly and severally liable in their individual capacities and estates for all the debts, contracts, or other liabilities of the said company contracted or incurred during the time such stockholders respectively own their stock, or are beneficially interested therein. Liability of stockholders.

SECTION 14. That in any action brought to enforce any liability under the provisions of this act, the plaintiff may include as defendant or defendants with said company, any one or more of the stockholders thereof, and if judgment be given in favor of the plaintiff, execution thereon shall be satisfied out of the property of the company, if found in the county where such judgment has been rendered or execution issued, and in case such property sufficient to satisfy the same cannot be found in such county, the same or any unpaid balance thereof, shall be collected and satisfied out of the property of such stockholder or stockholders, but no such execution shall be satisfied by sale, in whole or in part, out of the property of any stockholder, until a prior return upon execution issued in the case of no property found of the corporation, defendant in the proper county, sufficient for the satisfaction of the same, unless the plaintiff, his agent or attorney, shall have filed in the court from which such writ may issue, on affidavit that to the best of his knowledge and belief no property of the corporation can be found in the county adequate to the satisfaction of such writ, and no action brought as aforesaid, shall abate or fail because any person or persons may be included as defendant or defendants in such action, who may not be liable as aforesaid, but in all such cases judgment shall notwithstanding be rendered against the parties defendant, liable as aforesaid: *Provided*, That no action shall be instituted as aforesaid against any stockholder, unless within one year after such liability is incurred, or debt becomes due and payable. Actions.
Judgments.
Executions.
Proviso.

SECTION 15. That pending suit as aforesaid, or where said company may be sole defendant, or after recovery of judgment in any case, any stockholder or stockholders liable may be added as party defendant or defendants in such action or judgment, by seire facias, in the manner provided in the twenty-seventh section of the act of twenty-fourth of February, one thousand eight hundred and thirty-four, entitled "An Act relating to Executors and Administrators," except that any continuance shall be at the discretion of the court, but no such seire facias shall issue after six months from final judgment in any action, unless the same be issued within one year from the time any debt becomes due or other liability is incurred. Suits.

SECTION 16. That on the payment of any judgment aforesaid, or any part thereof, by one or more stockholders, the stockholder or stockholders so paying the same shall be entitled to have such judgment, or so much thereof as may have been so paid for his or their benefit, with power to enforce the same first against the company, and in case the amount so paid shall not be collected of the property of the company, then ratably against the other stockholders, of any such there be, liable for the claim or liability on which such judgment was founded. Judgments.

Limitation of
act.

Proviso.

Courts of Lu-
zerne co., may
exercise chance-
ry jurisdiction.

School directors
Danville may
sell real estate.

Wayne & Pike,
time to run
county line ex-
tended.

Courts of Fay-
ette county
terms changed.

School directors,
Washington.

Preamble.

Preamble.

SECTION 17. That this act shall continue and be in force until the first day of August, in the year of our Lord one thousand eight hundred and seventy-two: *Provided*, That it shall be lawful for the Legislature at any time to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted; in such manner, however, that no injustice shall be done the corporators.

SECTION 18. The court of common pleas of Luzerne county shall have and exercise all the like chancery jurisdiction and powers that are conferred upon any other court of this Commonwealth, and in all cases an appeal may be taken to the supreme court from the final decrees of said court in suits in equity, on the same terms and conditions as are provided in cases of appeals from the decrees of the court of common pleas of the city and county of Philadelphia.

SECTION 19. That the school directors of the borough of Danville, in Montour county, be and they hereby are authorized and empowered to sell at public or private sale, a certain lot of ground situate in said borough, fronting on Mahoning street on the north, adjoining an alley on the east, an alley on the south, and lot of D. Petriken's estate on the west, heretofore held and occupied for school purposes, and upon the sale thereof and receipt of the purchase money, to execute and deliver to the purchaser or purchasers thereof a good and sufficient deed in fee simple for the same.

SECTION 20. That the time specified in an act appointing commissioners to run the line between the counties of Wayne and Pike, approved May first, eighteen hundred and fifty-two, be and the same is hereby extended for one year from the passage of this act.

SECTION 21. That hereafter the terms of the several courts of "Fayette county shall commence on the first Monday of January, on the first Monday of March, on the first Monday of June, and on the fourth Monday of October, each term to continue for two weeks, except June term, which shall continue for one week only.

SECTION 22. That the directors of the common schools in the borough of Washington, in the county of Washington, be and are hereby authorized and empowered to sell and convey, by sufficient titles, any lot or lots which are held by them either by bequest or purchase, with the house or houses thereon, and the appurtenances thereto, and to purchase and hold other sites for the erection of school houses and other buildings for the accommodation of the youth of the said borough.

WHEREAS, Doubts have been expressed as to the construction of the tenth, eleventh and twelfth sections of an act of the General Assembly of the Commonwealth of Pennsylvania, passed the ninth day of April, A. D. one thousand eight hundred and forty-nine, entitled "A supplement to an act relative to the venders of mineral waters; and an act relative to the Washington Coal company, to sheriff's sales of real estate; to the substitution of executors and trustees, when plaintiff; to partition in the courts of common pleas; and for other purposes:"

And whereas, The intention of such act of ninth April, one thousand eight hundred and forty-nine, was to require no other or further acknowledgments of deeds whereby the estate or interest of such married women in lands lying within this Commonwealth might be conveyed, transferred, mortgaged, or incumbered, than was required according to the provisions of the laws of this Commonwealth which were in force previously to an act passed the eleventh day of April, A. D. one thousand eight hundred and forty-eight, intended to secure the rights of married women; therefore,

SECTION 23. That all deeds heretofore made and acknowledged since the passage of the act of eleventh of April, one thousand eight hundred and forty-eight, entitled "A supplement to an act entitled 'An Act relative to the Le Raysville Phalanx, passed March, Anno Domini one thousand eight hundred and forty-seven, and relative to obligors and obligees; to secure the rights of married women; in relation to defalcation; and to extend the boundaries of the borough of Ligonier;" by any married women, either within or without of this Commonwealth, shall be valid and effectual to pass the estate or interest of such married women in lands lying within this Commonwealth: *Provided*, The same shall have been acknowledged by such married women, according to the laws of this Commonwealth which were in force previously to the passage of the said act of the eleventh of April, one thousand eight hundred and forty-eight.

Provisions of certain act, how to be construed.

Proviso.

SECTION 24. That C. W. Ashcom, J. H. Wilkinson, John Keith, Jacob Hipple and Philip Keagy, trustees of the Methodist Episcopal church in the town of Woodbury and county of Bedford, are hereby authorized and empowered to sell and convey a lot of ground, number eighty-two on the plan of said town, with a school house thereon erected, devised to said trustees by David Joy and Elizabeth his wife, and apply the proceeds of such sale to the use and benefit of said church.

Trustees of Methodist church in Woodbury.

SECTION 25. That the commissioners of the district of Penn, in the county of Philadelphia, shall have power and authority to curb and pave Thompson street from Twelfth street to Broad street, without the application or concurrence of the owner or owners of real estate fronting on said street, and the expense of laying such curb and pavement, and for collecting the bills incurred thereby, shall be a lien on the said real estate in all respects, as is now provided by law.

Part of Thompson street, Penn district.

SECTION 26. That from and after the passage of this act, the several provisions of the act relative to the organization of courts of justice, passed tenth April, one thousand eight hundred and forty-nine, shall extend to any president judge of any judicial district in this Commonwealth, without regard to his being in an adjoining district.

Judges of courts, may try causes out of their own districts.

SECTION 27. That after the next terms thereof, the several quarterly terms of the courts of the city of Carbondale, and of the county of Wyoming, shall commence one week later in every case than under existing laws.

Courts in Carbondale and Wyoming co's.

SECTION 28. That the proviso contained in the fourteenth and fifteenth sections of an act relative to certain streets in the district of Moyamensing, approved March twenty-ninth, one thousand eight hundred and fifty, be and the same is hereby repealed, and the commissioners appointed by the twelfth section of the act aforesaid, proceed as soon as may be to survey and lay out the streets, lanes and alleys in Passyunk township aforesaid, as by said act directed, and that the said commissioners shall be entitled to receive the sum of two dollars each per day for every day on which they have been, or hereafter may be actually engaged as assistant surveyors, and the principal surveyor shall receive the sum of five dollars per day for every day that he has been or hereafter may be engaged on said survey, from the commissioners of the county of Philadelphia, and that the commissioners of the county aforesaid, be and they are hereby directed to pay and discharge said expenses, as well as the expense of corner stones to mark the intersections of said streets: *Provided*, That all charges incident to said survey shall be verified by the affidavit of the party entitled to

Proviso of certain act relative to streets in Moyamensing, repealed.

Proviso.

Proviso.

receive the amount thereof, and shall be certified to be correct by the majority of the commissioners of survey aforesaid, and that payments shall be made monthly, if so required, by the parties entitled to receive : *Provided further*, That twenty-five per cent. on the cost of said survey shall be retained in the hands of the county commissioners until the said survey shall have been made and approved by the court of quarter sessions, and filed therein.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 336.

AN ACT

Authorizing the Governor to incorporate the Germantown and Wissahickon Turnpike Road company; authorizing Joseph Barr to sell certain ground rents; to authorize the sale of certain real estate of Maria Myers; to vacate a portion of Timber Lane in the district of Penn, Philadelphia county; relative to the claim of Ann Weaver; authorizing the sale of certain church property in Millersburg, Dauphin county; and to prohibit the erection of Poudrette Pits in the district of Moyamensing, Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Daniel

Commissioners. L. Keyser, Wyndham H. Stokes, Benjamin Lehman, Samuel Harvey, Junior, John Rittenhouse, Peter Rittenhouse, George Hergesheimer, Charles Weiss, Nicholas Rittenhouse, Junior, James Lord, Junior, Henry Lippen and Charles B. Engle, or any five of them, be and they are hereby appointed commissioners, to open books, receive

Name & style. subscriptions, and organize a company by the name, style and title of the Germantown and Wissahickon Turnpike Road company, with the

Location. power to construct a turnpike road from the main street in the borough of Germantown, in the county of Philadelphia, either by the route of Rittenhouse or Harvey street to a point at or near the junction of the Wissahickon turnpike and Paper Mill creek, in the township of Roxborough, by the nearest and best route or routes, as the president and

Subject to provisions and restrictions of certain act. directors may determine upon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed twenty-sixth day of January, A D, one thousand eight hundred and forty-nine, and the several supplements thereto.

Capital stock. SECTION 2. That the capital stock of said company shall consist of two hundred shares at twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much

as in their opinion may be necessary to complete the road and improvements thereto belonging, and to carry out the true intent and meaning of this act.

SECTION 3. That the Burgess and town council of the borough of Germantown, are hereby authorized and empowered to regulate, grade, and improve, and cause to be paved, the side-walks upon such streets as now are or hereafter may be occupied by any incorporated company. Borough of Germantown, relative to paving certain streets.

SECTION 4. That Joseph Barr, executor of the last will and testament of Catharine Forrester, be and he is hereby authorized and empowered to sell at public sale any ground rents of which the said testatrix died seized: *Provided*, That the said executor shall first give security, to be approved by the orphans' court for the city and county of Philadelphia, in such sums as the said court shall require, and that the proceeds of such sale or sales shall enure to the benefit of such person or persons as are or shall be entitled to the said ground rents under the said last will and testament. Joseph Barr authorized to sell real estate. Proviso.

WHEREAS, William A. Porter, sheriff of Philadelphia county, by deed poll bearing date the seventeenth day of June, A. D., one thousand eight hundred and forty-three, entered among the records of the district court of said county, in book O., page two hundred and three, &c., and recorded in the recorders' office of the said county, in deed book R L L C, number five, page one hundred and ten, &c., did grant and convey a certain lot of ground, with the buildings thereon erected, situated on the west side of the Fifth street from the Delaware river, in the square between High street and Chesnut street, in the city of Philadelphia, containing and bounded as therein described, to Ann C. Esling, Maria Myers, and John V. Myers, her husband, in right of the said Maria, and for her separate use and benefit, Catharine Baker, Louisa Esling, and Susan Esling, their heirs and assigns: Preamble.

And whereas, doubts have arisen as to the power of the said Maria Myers, and John V. Myers, her husband, to sell and convey the undivided interest in the said lot of ground and buildings to them conveyed as aforesaid; therefore, Preamble.

SECTION 5. That upon the application of the said John V. Myers and Maria Myers to the court of common pleas for Philadelphia county, by petition or otherwise, it shall and may be lawful for the said court to appoint a trustee to sell and convey all the estate and interest of the said Maria Myers, and John V. Myers, her husband, and their heirs, of, in and to the lot or pieces of ground and buildings in the said deed poll described, and upon the said appointment, it shall and may be lawful for the said trustee to sell at public or private sale, and convey the said estate and interest in fee simple, or for any less estate, for such price or consideration as said trustee may deem expedient, for cash or on bond and mortgage, to any person or persons whomsoever, free and discharged from all trust whatsoever, and without any liability on the part of the purchaser thereof to look to the application of the purchase money thereof; and the said trustee shall hold the proceeds of sale thereof, under and subject to the same trusts, and for the same uses, intents and purposes, as the said undivided interest is now held by the said Maria Myers, and John V. Myers, her husband: *Provided*, Real estate of Maria and John V. Myers authorized to be sold. Proviso.

SECTION 6. That so much of Timber line, in the district of Penn, in the county of Philadelphia, as extends from the north east side of the Ridge road to the east side of Schuylkill Fifth street, be and the same is hereby vacated, and the title to the soil over which the same Part of timber line, Phila., co., vacated.

Proviso.

passes, be and the same is hereby vested in fee simple in the several owners of ground fronting on the said lane respectively, each owner to have and take that part of the said lane lying in front of his ground to the middle thereof: *Provided*, That so much of the said lane so vacated, shall not be closed up until Master's street, from the said Schuylkill Fifth street to the Ridge road, and the said Schuylkill Fifth street from the said Master's street to Timber lane, shall be respectively opened for public use.

Estate of Thomas Weaver, deceased.

SECTION 7. That if it shall appear to the State Treasurer and Auditor General that the sum of thirteen thousand dollars has been paid by Ann Weaver, widow of Thomas Weaver, deceased, or by Thomas Weaver, or William Weaver, and John Shaffer, executors of the estate of the said Thomas Weaver, for or on account of the suretyship of the said Thomas Weaver, deceased, that then the legal representatives of the said estate, and the said estate, shall be released and exonerated from all claim of the Commonwealth for or on account of any suretyship entered into by the said Thomas Weaver.

German Reformed congregation of Millersburg.

SECTION 8. That Daniel Heckert, Jacob Seals, and Simon West, are hereby authorized to sell and convey certain real estate belonging to the Lutheran and German Reformed congregations of the borough of Millersburg, Dauphin county, and apply the proceeds thereof to the purchase of a suitable lot and erecting thereon a house of worship, for the use of the said congregations.

Poudrette pits, Moyamensing, prohibited.

SECTION 9. That from and after the passage of this act, it shall not be lawful for any person or persons, body or bodies corporate, to own, occupy or possess, in the district of Moyamensing, in the county of Philadelphia, any poudrette pit or pits, or deposit places of any kind or description, for the deposit of poudrette or privy filth; that any person or persons erecting or sinking, or causing to be erected or sunk, or owning any poudrette pit or pits or deposit places for poudrette or privy filth in the said district, after the passage of this act, shall forfeit and pay for every such offence, and for every month that the same shall remain in said district, the sum of five hundred dollars, to be recovered by an action at law, in the district court of the county of Philadelphia, in the name of the commissioners and inhabitants of the district of Moyamensing, one half of which said penalty shall be paid over to the treasurer of the county of Philadelphia, for the school fund of said county, and the remaining one half shall be recovered for the use of said district.

Penalty for sinking.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D., eighteen hundred and fifty-three.

WM. BIGLER.

No. 337.

AN ACT

To incorporate the Altoona and Tyrone City Plank Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Elias Baker, G. D. Thomas, H. T. McClelland, C. Jaggard, Martin commissioners. Bell, John Bell, W. P. Dysart, John T. Matthias, J. L. Shultz, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of the "Altoona and Tyrone City Plank Road company," Style. with power to construct a road from the town of Altoona to Tyrone Location. City, in the county of Blair, subject to all the provisions and restric- Subject to pro- tions of an act regulating Turnpike and Plank Road companies, ap- visions and proved the twenty-sixth day of January, one thousand eight hundred restrictions of and forty-nine, and the several supplements thereto. certain act.

SECTION 2. That the capital stock of said company shall consist of Capital stock. two thousand shares, of twenty-five dollars each: *Provided, That the* Proviso. said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete said road, according to the true intent and meaning of this act.

SECTION 3. That if the said company shall not commence the con- When to be struction of their road within four years, and complete the same within commenced and fifteen years after the passage of this act, this act shall be null and completed. void, except so far as may be necessary to pay the debts and settle up the affairs of the said company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D., eighteen hundred and fifty-three.

WM. BIGLER.

No. 338.

AN ACT

For the relief of the heirs of Joseph Erwin, a soldier of the Revolution.

WHEREAS, Joseph Erwin, late of Westmoreland county, Pennsyl- Preamble. vania, served as a captain in the Revolutionary war, in the Pennsylv- vania line, and thereby became entitled to bounty land, which he never drew:

Preamble.

And whereas, His son, William Erwin, has made application for said land or its equivalent; therefore,

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer be and he is hereby authorized and required to pay to the heirs of Joseph Erwin, or to their order, the sum of two hundred dollars, as an equivalent for said bounty land.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON.

Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 339.

AN ACT

To incorporate the Carlisle Gas and Water company.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Commissioners.

Frederick Watts, William M. Berton, John Sanderson, Edward M. Biddle, Richard Parker, F. A. Kenedy, John B. Bratton, Lemuel Todd, Armstrong Noble, Charles Ogleby, Henry Saxton, James H. Graham, E. Beatty, James F. Lamberton, J. B. Parker, George H. Hart, or any three of them, are hereby appointed commissioners, who shall procure suitable books and in each of them enter as follows:

To procure books for subscriptions.

"We whose names are hereto subscribed, promise to pay to the Carlisle Gas and Water company the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of the act of Assembly to incorporate the Carlisle Gas and Water company; witness our hands and seals, the day of , Anno Domini one thousand eight hundred and fifty-three," and after they shall have given notice for twenty days of the time and place, they shall open the said books to receive subscriptions for the stock of the said company, and permit all persons of lawful age to subscribe for shares in said stock until four thousand shares shall have been subscribed, and the said commissioners who shall present, shall have power to adjourn from time to time, as they shall deem expedient, until the said stock, or such part thereof as shall be necessary, shall have been subscribed.

Notice of time and place to be given.

SECTION 2. That when one thousand shares of the stock shall have been subscribed, and one dollar paid on each share so subscribed, the said

commissioners, or any three of them, shall certify the fact to the Governor, with the names of the subscribers, and the number of shares by each of them subscribed, and the amount paid thereon, whereupon the Governor shall by letters patent create and erect the subscribers, and such who may afterwards subscribe to the number of four thousand shares, into a body politic and corporate in law, by the name, style and title of "The Carlisle Gas and Water company," in which name they may sue and be sued, and have perpetual succession, may purchase, receive and have, to them and their successors, all goods, chattles and estates, real and personal, as may be necessary and proper for carrying into effect the objects and purposes of this incorporation, and the same from time to time to sell, mortgage, or otherwise dispose of, make dividends of the profits as they may deem proper, and to make and use a common seal, and also to ordain and put in execution such by-laws and ordinances as shall be necessary and convenient for the government of the said company and the preservation and security of their works and property, they not being contrary to the laws of this State or the United States, and if penalties shall be inflicted by any such by-law, they shall be recovered as debts of like amount are recoverable, or punished as like offences are punished, and generally to do the matters and things which lawfully appertain for them to do for the well-being of the company: *Provided*, That nothing herein contained shall be considered as in any way giving to said company any banking privileges whatever, or any franchises but such as are or may be necessary or incident to the distribution of gas or water in the borough of Carlisle.

When letters patent to be issued.

Name and style.

Privileges.

Seal.

By-laws.

Proviso.

SECTION 3. That when the letters patent shall have been obtained, the said commissioners shall give ten days' notice of a time and place for the stockholders to meet and organize the company, and to choose by a majority of their votes, by ballot, in person or by proxy, one president and eight managers, who shall manage and conduct the business of the company until the second Monday of May then next ensuing, and until like officers shall be chosen.

When to organize.

Officers.

SECTION 4. That the stockholders shall meet annually on the second Monday of May, at such place as the by-laws shall fix, of which public notice shall be given, and choose by a majority of their votes their officers for the ensuing year, and the stockholders shall meet at such other times as they may be summoned by the managers, at which annual or special meeting they shall have power to make, alter or repeal, by a majority of their votes, all by-laws, orders or regulations, and to adopt such measures regarding the interests of the company as to them shall be deemed expedient, and which shall be carried into effect by the president and board of managers.

Stockholders to meet annually, to elect officers, &c.

SECTION 5. That the president and managers shall procure certificates of stock which, signed by the president and treasurer, and sealed with the corporate seal, shall be delivered to each stockholder, and which shall be transferable at his pleasure, in the presence of the president, treasurer, or other person appointed by the company for that purpose, subject however, to all payments due and to become due thereon, and when such assignment shall have been made and entered upon the books of the said company, the holder shall be a member of the said company, and in every election or meeting the stockholders of the said company shall be entitled to one vote for each share of stock by him or her held.

Certificates of stock.

SECTION 6. That if any subscriber for stock or his assignee, shall refuse or neglect to pay any installment called for by the said company, at the place appointed, and the same shall remain unpaid for thirty

Non-payment installments to forfeit stock.

days after the time appointed, he shall, in addition to the installment called for, pay at the rate of five per cent. per month for delay, and if the same shall remain unpaid so long as that this penalty shall amount to the sum actually paid in by the said stockholder, it shall be in the power of the said company to forfeit the said stock and the amount paid thereon, to be disposed of by the said company as will best promote their objects and interests.

Powers of corporation.

SECTION 7. That the said company shall have power to provide, erect and maintain all works and machinery or engines, necessary or proper for making, raising and introducing into the borough of Carlisle a sufficient supply of gas and pure water, and for that purpose may provide, erect and maintain all proper buildings, cisterns and reservoirs, for the reception of the gas and water to be introduced, and for this purpose they are authorized and empowered, by themselves, their agents, engineers and workmen, and with their tools, carts, wagons and horses, to enter into such lands and enclosures, streets, lanes and alleys, roads and highways, as may be necessary to occupy or to obtain materials for the construction of the said works, and to occupy, ditch and lay pipes through the same, and the same from time to time to repair, as necessity shall require, and if any injury be done to private property, the said company shall make compensation therefor, in the manner hereafter provided.

Damages, how to be assessed.

SECTION 8. That if in the location of the said works an injury shall be done to private property, and the parties cannot agree upon the amount of compensation to be made to the owner, they may refer the subject to men mutually chosen by them, or either party may apply to the court of common pleas for the appointment of three judicious men to view the premises and make report to the court, whose award shall be subject to the right of appeal by either party, and when appealed from, to be tried as other cases are tried in which damages are claimed by the plaintiff, or if no appeal be entered by either party within twenty days from the date of the award, it shall have the effect of a judgment, and be collected in like manner.

Rates of prices to be fixed.

SECTION 9. That when the said company shall have introduced gas and water into the said borough of Carlisle, and shall have constructed the necessary buildings, reservoirs, fixtures, hydrants, pipes and fire-plugs, wherever they shall deem the same necessary and proper, they shall then fix and determine equitably uniform rates of prices to be paid by the citizens for the use of the said gas and water, and if the said rates be not paid according to the terms of the contract between the citizens who shall use the same and the company, the same may be collected by the said company as county rates and levies are now collected, or by action, as debts of like amount are recoverable, at their option.

Penalty for injuries.

SECTION 10. That if any person or persons shall put or cause to be put, or in any way introduce into the dam or reservoir from which the water of said company is supplied, any noxious or offensive matter, or shall go in to swim or bathe in the same, or shall cut, deface or injure any part of the buildings, machinery or works of the said company, every such person shall pay a sum not less than five nor more than one hundred dollars, at the discretion of a magistrate, to be recovered as debts of like amount are recoverable, one-half for the use of the person who shall sue for the same, and the other half for the use of the company, and if the person against whom a judgment shall be rendered shall not pay the same, and no goods or chattles of his can be found upon which levy may be made to satisfy the same, then any person so offend-

ing shall be committed to the jail of the county of Cumberland, for any period not less than five nor more than sixty days.

SECTION 11. That it shall not be obligatory upon the said company to carry into effect all the objects contemplated by this act, and if upon opening the said books for the subscription of stock, there shall not be a sufficient sum subscribed to effectuate the object of introducing both gas and water into the said borough of Carlisle, then it shall be in the power of the said company, when organized, to confine their means to the attainment of either the introduction of gas or water, or both, as the exigencies of the case in their judgment shall require. May erect either gas or water works.

SECTION 12. That it shall be lawful, and the borough of Carlisle may in its corporate capacity subscribe for any number of shares of the stock of the said company, and to enable it to do so, the said borough is hereby authorized to borrow from time to time any amount of money not exceeding the amount subscribed, and to pledge their property and franchise for the repayment of the same, and if the said borough of Carlisle shall subscribe and take one-third or more of the said capital stock which shall be subscribed for the completion of the said work or works, the town council of the said borough shall annually appoint three managers of the said company, and in that event the election of all other stockholders shall be confined to the president and five managers, and other stockholders shall alone have power to vote at elections and meetings. Borough of Carlisle authorized to subscribe for stock.

SECTION 13. That said company is hereby required to pay a dividend of six per cent. per annum upon the stock subscribed and amount paid by each stockholder, until the said work or works as shall be determined shall be completed. Dividends.

SECTION 14. That the said company, if necessity require, shall have power at any time to borrow any sum of money not exceeding fifty thousand dollars, to be applied to the prosecution or improvement of the said work or works, and to pledge their goods and chattles, property, franchise and effects, by mortgage or otherwise, for the security and repayment of the same. May borrow money.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 340.

AN ACT

To authorize William M'Cleary and John Wilson, Junior, Executors of Samuel M'Cleary, deceased, to sell certain real estate in Neshannock, Lawrence county; and to incorporate the Odd Fellows' Hall Association of Waynesburg, Chester county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William M'Cleary and John Wilson, junior, executors of the last will and testament of Samuel M'Cleary, deceased, late of the township of Neshannock, in that portion of the county of Mercer now included within the limits of the county of Lawrence, be and they are hereby authorized and empowered to sell at public sale, by and with the consent of Agnes M'Cleary, (alias Nancy M'Cleary,) widow and relict of the said Samuel M'Cleary, to the highest and best bidder, all that certain farm or tract of land owned by the said Samuel M'Cleary at the time of his death, upon which the said widow now resides, situate in the said township of Neshannock, and lying adjacent to the borough of New Castle, and bounded on the north by lands of Joseph Kettler, on the east by lands of R. W. Steuart and Shenango creek, on the south by lots of William Morse and others, and on the west by lands of Robert Rigg and Robert Paisley, containing about two hundred acres, more or less, with the exceptions of about forty acres of land, including the mansion houses, barn, et cetera, which are reserved for the use of the widow, said smaller tract to be bounded on the east by Shenango creek, on the south by the road leading from New Castle to Edinburg, on the west by lands of Robert Paisley, and on the north by a line running from the said Shenango creek to the line between said land and Robert Paisley, separating it from the larger tract at such a distance from the said Edinburg and New Castle road as will make forty acres or thereabouts, and to make, execute and deliver to the purchaser or purchasers thereof a sufficient deed or deeds of conveyance: *Provided*, Such sale shall not be valid until the said executors shall give good and sufficient security, to be approved of by the orphans' court of the county of Lawrence, conditioned for the proper application of the proceeds of such sale, in the manner specified in the second section of this act, and provided said sale be approved of by said orphans' court.

SECTION 2. That the said executors shall pay out of the proceeds of such sale all the legacies and bequests made by the said Samuel M'Cleary in his last will and testament, and leave the balance of the purchase money, if any should remain, in the hands of the purchaser or purchasers during the life or widowhood of the said Agnes M'Cleary, and annually lift or pay over the interest of the same to the said Agnes, and upon the death or marriage of the said Agnes, lift the said balance so left in the hands of the purchaser or purchasers, and distribute the same among the heirs and devisees of the said Samuel M'Cleary, in such manner as is by the terms of his said will directed.

WHEREAS, Certain citizens of this Commonwealth hereinafter named, have associated for the purpose of benevolence and charity, and have with certain moneys purchased a lot or piece of ground situate in

Executors of Samuel McCleary, deceased of Lawrence co., authorized to sell real estate.

Reservation.

Proviso.

Executors to pay legacies and bequests.

Preamble.

the village of Waynesburg, Chester county, and erected thereon a suitable stone building for the accommodation of the order and purposes of Odd Fellowship, and for other public purposes; therefore,

SECTION 3. That William Wilson, William H. Given, John Clendenning, William Gault, Benjamin F. Brown, Coleman J. Bull, James Buchanan, Madison Irwin, Edward D. White, and their successors, and all persons who now are or may hereafter be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of the "Odd Fellows' Hall Association of Waynesburg," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, and elsewhere, and shall be able and capable in law and equity to take and hold to them and their successors, either by gift, grant, devise or lease, any lands or real estate for the use of the said association, any goods and chattels, sum or sums of money, by gift, grant, bargain and sale, will, devise or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain, sell or release, for the use of the said association, and generally to do and perform all and singular the matters and things which shall be lawful for them to do and perform for the well-being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall at any time be possessed, shall not exceed the yearly value of six thousand dollars: *And provided also*, That from and immediately after the passage of this act, the title to the said lot and piece of ground, and the buildings thereon, shall be vested in the aforesaid association, as fully, and to all intents and purposes, as the same is hereinbefore mentioned.

Corporators.
Odd fellows hall association of Waynesburg.
Privileges.
Proviso.
Proviso.

SECTION 4. That it shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter and renew, as they shall think proper, and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted, and as herein expressed.

SECTION 5. That the government of the aforesaid association, and the management and disposition of its affairs and property, shall be vested in such officers as the constitution and by-laws of the said association may direct: *Provided*, That a board of trustees, to consist of not less than three persons, shall be elected annually, who shall at the first meeting after their election in each year organize by electing a president, secretary and treasurer: *And provided also*, That certificates of stock and certificates of loan shall be issued only by the said board of trustees.

Officers.
Proviso.
Proviso.

SECTION 6. That this corporation shall have power and authority to make by-laws, conformable to this charter and not inconsistent with the laws of the United States or of this Commonwealth: *Provided also*, That no tax shall be required for the enrollment of this act.

By-laws.
Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D., eighteen hundred fifty-three.

WM. BIGLER.

No. 341.

AN ACT

Granting annuities to certain widows of soldiers of the Revolutionary and Indian Wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorized and required to pay to each of the following named persons, to wit: to Nancy Boies of Beaver county, Pennsylvania, to Elizabeth Swager of Lawrence county, to Martha Cook of Mercer county, to Sarah Cather, late of Greene county, to Elizabeth Fry of Mercer county, to Mary Magdalena Marshall of the county of Adams, to Hannah Stroop of Philadelphia, to Mary Ozier of Monroe county, widows of soldiers, and Archibald Merri-man of Crawford county, a soldier of the Revolutionary and Indian wars, an annuity of forty dollars during life, to be paid half yearly, commencing on the first day of January, in the year of our Lord one thousand eight hundred and fifty-three.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 342.

AN ACT

Incorporating the Holmesburg and Delaware River Plank Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners. George Fox, John Howard Ingham, Morgan Clift, James Hughes, William Raphael, Thomas D. Dougherty, Jacob W. Louder, Benjamin Crispin, Abraham P. Arthur, Robert W. Soley, Alfred Bartlett, and Jackson P. Conly, or any five of them, are hereby appointed commissioners, to open books, receive subscriptions, and organize a company,

Name & style. by the name, style and title of "The Holmesburg and Delaware Plank Road company," with power to construct a plank road from Holmesburg, in the county of Philadelphia, to a suitable point on the river

Delaware in said county, on and over any road now in existence, and Location.
 on and over any ground between the respective points provided for,
 with power to construct a wharf at said point on the river Delaware,
 with power to extend the said road to some other suitable points in said
 county, to be decided upon by a majority of the stockholders, subject Subject to pro-
 to all the provisions and restrictions of an act regulating turnpike and visions of cer-
 plank road companies, approved the twenty-sixth day of January, tain act.
 Anno Domini one thousand eight hundred and forty-nine, and the
 several supplements thereto, so far as they are not inconsistent with
 this act.

SECTION 2. That the capital stock of said company shall consist of Capital stock.
 six thousand shares, of ten dollars each per share: *Provided*, That Proviso.
 said company may from time to time, by a vote of the stockholders, at
 a meeting called for that purpose, increase their capital stock so much
 as in their opinion may be deemed necessary to complete their road and
 wharf, and carry out the true intent and meaning of this act.

SECTION 3. That if said company shall not commence the construc- Commencement
 tion of their road within four years after the passage of this act, and and completion
 complete the same within eight years thereafter, this act shall be null of road.
 and void, except so far as may be necessary to wind up the affairs and
 pay the debts of the said company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D. eighteen hundred
 and fifty-three.

WM. BIGLER.

No. 343.

A SUPPLEMENT

To the act incorporating the Larry's Creek Plank Road company; authorizing
 the Commissioners of Lycoming county to settle with A. H. M'Henry and
 Robert Faries for certain services; supplement to an act to quiet the Title to
 certain Lands granted for the use of William Smith in tail general; and rela-
 tive to the Bear Creek and Lehigh Plank Road company.

SECTION 1. *Be it enacted by the Senate and House of Represen-*
tatives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same, That
 the proviso contained in the first section of an act entitled "An Act Proviso of cer-
 regulating Turnpike and Plank Road companies," approved the twenty- tain act repeal-
 sixth day of January, one thousand eight hundred and forty-nine, ed, so far as re-
 which requires the sum of one dollar to be paid by the subscribers of lates to Larry's
 stock for each and every share of stock so subscribed to the attending Creek plank
 commissioners, previous to or at the time of subscribing, be and the road company.
 same is hereby repealed, so far as relates to the Larry's Creek Plank

Road company, or subscriptions already taken or to be taken, and that the said company shall have the same legal remedy for the recovery of the amount of subscription of stock to said company as if such provision requiring the payment of the sum of one dollar for each and every share of stock subscribed had not been required in the provision aforesaid.

May increase
grade of road.

SECTION 2. That the president and managers of the said Larry's Creek Plank Road company in the construction of said road, shall have full power and authority to increase the grade of said road to any point within an angle of five degrees from a horizontal line.

Managers may
fill vacancies.

SECTION 3. That it shall be lawful for the board of managers of said company to fill all vacancies occurring in said board by death or resignation, until the next succeeding annual election.

May borrow
money.

SECTION 4. That in the event of any delay or inability of the said company to obtain the subscription of additional stock for the purpose of completing their road, it shall be lawful for said company to borrow any sum or sums of money in lieu thereof, not exceeding six thousand dollars, at any rate of interest not exceeding six per centum per annum, and for security therefor to pledge the tolls receivable on said road, as may be agreed upon by the president and managers of said company, and the person or persons lending or advancing such money, and to issue bonds therefor, in any sums not less than one hundred dollars.

Bonds.

SECTION 5. That the said bonds may be converted into the stock of the company at par, at the option of the holder or the holders thereof, at any time prior to the bond falling due.

May use public
highway.

SECTION 6. That the said company is hereby authorized to locate its plank road on the public highway, wherever it may be found necessary by said company so to do.

Commissioners
of Lycoming
co., may settle
with A. H.
McHenry and
Robert Faries.

SECTION 7. The commissioners of Lycoming county are hereby authorized to settle with A. H. McHenry and Robert Faries, commissioners appointed for the purpose of receiving and disbursing such moneys as might be collected by the treasurer of Lycoming county for road taxes, on the unseated lands formerly belonging to the Tilgham estate, but now held in the name of William Rawle, Benjamin Chew and George Cadwalader, lying in the townships of Lewis, Mifflin, Cummings and Cogan House, in said county, and to collect all moneys received by them not expended on the opening of the State road for which they were appointed commissioners, by act of the fifth of April, A. D. eighteen hundred and forty-nine; and the said commissioners of Lycoming county are authorized to subscribe stock in the Larry's Creek Plank Road company, to the amount of any such sum as they may receive therefrom, under the same restrictions and conditions as they are authorized by act of Assembly of the second day of April, A. D. eighteen hundred and fifty-two; and that the said commissioners of Lycoming county are hereby authorized and required to pay over to the supervisors of said townships of Lewis, Mifflin, Cummings, and Cogan House, all moneys received by them from said plank road company, in proportion to the amount of road tax retained by them for the purpose aforesaid.

May subscribe
to stock of Lar-
ry's creek plank
road company.

Distribution of
certain moneys.

Phoenix Iron
and coal co.,
may convert
loans into stock.

SECTION 8. That it shall be lawful for the Phoenix Iron and Coal company to convert the authorized loans of said company into stock, at any time within three years after the passage of this act, with the consent of the holders thereof.

Bear Creek and
Lehigh plank
road co., rates
of tolls.

SECTION 9. That the Bear Creek and Lehigh Plank Road company may charge and receive tolls on lumber passing over their road, at the rate of five cents per thousand feet per mile; that any person hauling logs or timber on said road, and permitting the same to drag on said road,

shall for every such offence pay such fine as may be imposed by the by-laws of the company, to be recovered by suit, before any justice of the peace; that logs and timber hauled upon wheels, or by sleds, when there is snow on the road, shall be held and treated as lumber, and for the purposes of toll all lumber shall be reduced to inch measure.

W. P. SCHELL,

Speaker of the House of Representatives.

JOHN C. KUNKEL,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 344.

AN ACT

For the relief of Jacob Housman, Barbara Widaw, and others, soldiers and widows of soldiers of the Revolutionary and Indian wars; authorizing the court of Quarter Sessions of the county of Luzerne to confer corporate privileges on the town of Waverly, in said county; to incorporate the Jefferson and Bedford Turnpike or Plank Road company; authorizing George Dearsdorff and others, trustees, to sell a certain school house and burial ground in Latimore township, Adams county; and attaching the farms of Jonas and Levi Chronister to Hanpton school district, in said county, for school purposes; for the relief of Jane Beaty, of Beaver county; to the Delaware and Susquehanna Railroad company; to an Election District in Luzerne county; to extend the limits of the borough of Sunbury; for the relief of Catharine Johnson of Beaver county; and relative to the claim of Kier and Jones.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and is hereby authorized and directed to pay An old soldier, to Jacob Housman, of Westmoreland county, a soldier of the Indian and widows of wars, Henrietta Gehr, Catharine Buzzen, and Budd Gaskill, of Crawford county, Barbara Widaw and Elizabeth Plank, of Adams county, soldiers, annuity to, and Catharine Reem, of Westmoreland county, widows of soldiers in the Revolutionary and Indian wars, or their respective orders, an annuity of forty dollars each during life, payable half-yearly, to commence on the first day of January, one thousand eight hundred and fifty-three.

SECTION 2. That the court of quarter sessions of the county of Luzerne, be and the same is hereby invested with power and jurisdiction Luzerne co., court to confer and grant a special act of incorporation for municipal purpose authorized to incorporate to the citizens of Waverly, in Abington township, in said county, embracing a territory not exceeding one mile square, with such powers franchises and privileges as may be adjudged proper by said court, in nowise exceeding the powers, franchises and privileges which may be granted under the general act for the incorporation of boroughs, and

- the supplements thereto, and for that purpose to grant a special charter, with special provisions, vesting the entire municipal government in a board of three commissioners, to be elected and invested with legislative and executive powers, as shall be provided by the order and decree of said courts, and providing also, for the election and duties of a burgess: *Provided*, That no separate election district shall be established thereby, except to elect the officers of the corporation, and that such act shall not constitute such a borough as to require the election of justices of the peace or other general officers separate from the township, and that the citizens within the bounds of said corporation shall be and remain for all purposes the citizens of said township: *Provided further*, That the same court shall have power to amend any charter thus granted, the same as in case of the incorporation of boroughs by the court.
- Board of commissioners.** **Commissioners.** SECTION 3. That R. L. Johnston, William Lemon, John M'Coy, Ephraim Crum, Thomas M'Connell, James Burk, Henry Weaver, John Kane, William Palmer, Michael Holderbaum, Frederick D. Beegle, Daniel W. Leahman, John Conrad, Michael Wertz, John H. Ake, Castleton Ake, William Griffith, George F. Riddle, E. S. Anderson, Joseph Miller, be and are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of the "Jefferson and Bedford Turnpike or Plank Road company," with power to construct a turnpike or plank road from Jefferson, in the county of Cambria, to St. Clairsville in Bedford county, by the nearest and best route or routes, as the stockholders or directors may determine upon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto.
- Jefferson and Bedford turnpike or plank road company.** **Capital stock.** SECTION 4. That the capital stock of said company shall consist of two thousand five hundred shares, at twenty dollars per share: *Provided*, That the said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road, and carry out the true intent of this act.
- Subject to provisions of certain act.** **When may take tolls.** SECTION 5. That whenever said company shall have finished two miles or more of said road, they shall have power to erect gates and receive tolls, agreeably to the conditions and restrictions of sections twelve and thirteen of the act aforesaid, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.
- Commencement and completion of road.** SECTION 6. That if the said company shall not commence the construction within three years after the passage of this act, and complete the same within seven years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of the company.
- Jefferson and Ebensburg road.** SECTION 7. That the public road called the Jefferson and Ebensburg road, in the county of Cambria, from the village of Jefferson to the point where the Jefferson and Ebensburg plank road leaves the same, in Summerhill township, and county aforesaid, a distance of about one mile, be vacated, and the Jefferson and Ebensburg Plank Road company have power to collect tolls for their road located thereon.
- School district, Latimore tp., Adams co., trustees of.** SECTION 8. That George Deardorff, Jacob Stitsel, and Samuel Burkholder, trustees of a certain school house and burial ground, situate in Latimore township, Adams county, are hereby authorized to sell and convey a portion of the ground belonging to said school house, and purchase certain other ground adjoining said school house and burial ground.

SECTION 9. That from and after the passage of this act, the properties of Jonas Chronister and Levi Chronister, now in the Hampton school district, Reading township, Adams county, shall be attached to said township of Reading.

SECTION 10. That the State Treasurer be and is hereby authorized and required to pay to Jane Beaty, of Beaver county, the widow of the late John Beaty, a soldier of the Revolutionary war, or her order, an annuity of forty dollars each year during her natural life, to be paid half yearly, commencing on the first day of January, one thousand eight hundred and fifty-three.

SECTION 11. That the time allowed for taking subscriptions and commencing the work by the Delaware and Susquehanna Railroad company, authorized to be incorporated by the act of sixth of April, one thousand eight hundred and thirty, be and the same is hereby extended for the further period of two years from the passage of this act, and five years for completing the same; and the said company may commence their road at any point on the said river Delaware that to them shall seem most expedient, at or below Carpenter's Point, and that in lieu of the commissioners named in the said act and its supplements, Oliver S. Dimmick, Henry M. Labar, Theodore Bowhanan, of Pike county, Edward O. Hamlin and Richard Lancaster, of Wayne county, Isaac Depew and Ira Tripp, of Luzerne county, be commissioners to take subscriptions of stock.

SECTION 12. That the township of Jenkins, Luzerne county, be and the same is hereby erected into a separate election district, and the general and township elections shall be held at the school near the public house of Samuel Hodgdon, junior, in said township, and that the present judge and inspectors of the elections of the election district of South Pittston be the judge and inspectors of elections of the said township, until the next township elections, and that so much of any law of this Commonwealth as is inconsistent herewith, be and the same is hereby repealed.

SECTION 13. That so much of the farm or tract of land lately owned by Mrs. Sarah Gobin and Susan Scott, as lies west of the ravine commonly called the Gut, and so much of the farm late the estate of Samuel Hunter, deceased, as lies west of the said Gut, be and are hereby annexed to and included within the corporate limits of the borough of Sunbury: *Provided*, That the right of ferriage on the Susquehanna river adjoining said lands, be and remain in the owners of the same, and within the limits of Sunbury so extended; the Danville Railroad company may connect with the Philadelphia and Sunbury railroad, and the said Danville Railroad company, or the board of directors thereof, are hereby authorized to borrow such sums of money, not exceeding in all the sum of three hundred thousand dollars, and to issue their bonds therefor, and sell and dispose of the same on such terms and at such rates as may be deemed expedient, and to make the principal of said loan or loans convertible into the stock of the said company, on such terms as may be agreed upon, and to make the principal and interest of said loan or loans payable at such time or times as may be advisable, and for the security of said loan or loans, may execute a deed of trust or mortgage of the railroad and other property of the company in possession, or to be acquired, and its corporate rights and franchises, and such other property as may be conveyed to the company for that purpose; and in the event of a sale under such deed of trust or mortgage, all the property conveyed in such deed of trust and mortgage, and the corporate rights and franchises of the company shall pass to the purchaser or purchasers, free from all incumbrances subsequent to the

- May increase capital stock. execution thereof, and to be vested in him or them; and the said company may from time to time increase its capital stock any further sum not exceeding seven hundred thousand dollars, as shall be deemed expedient; and the shareholders shall have one vote for each share which he, she or they may hold of the capital stock: *Provided*, That no bonds shall be issued for a less amount than one hundred dollars.
- Proviso. SECTION 14. That the State Treasurer be and is hereby authorized and required to pay to Catharine Johnson, of Beaver county, widow of the late David Johnson, a soldier of the Revolutionary war, or to her heirs, the sum of six hundred dollars, the amount of back pay at the rate of forty dollars per year from the death of her husband, the sixth day of March, one thousand eight hundred and thirty-seven, to the sixth day of March, one thousand eight hundred and fifty-two.
- Catharine Johnson, widow of an old soldier, State Treasurer to pay \$600.
- Kier and Jones, Canal Commissioners authorized to examine claim of. SECTION 15. That from and after the passage of this act, the Canal Commissioners be and they are hereby authorized to examine the claim of Kier and Jones, for damages alleged to have been sustained by them, by reason of the destruction of boat, cargo and mule, with other expenses attending the same, on the Portage Railroad, in one thousand eight hundred and fifty, on plane number six, and if they shall ascertain that said damages, or any portion thereof, was occasioned by neglect or misconduct of any State officer or agent, or any defect in the machinery of the road, they shall assess the same, and report the amount to the Legislature with a statement of the facts: *Provided*, That no damages shall be allowed except for the actual injury done to the cars, merchandise, and loss of a mule, et cetera, et cetera, contained therein, and no item of damages or expense shall be allowed, unless the amount of the actual loss, deducting the value of the damaged cars, merchandise, loss of mule, et cetera, et cetera, shall be clearly established by affidavit.
- Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of April, eighteen hundred and fifty-three.

WM. BIGLER.

No. 345.

AN ACT

To provide for the Ordinary Expenses of Government, the repair of the public Canals and Railroads, and other General and Special Appropriations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Appropriations. the following sums be, and the same are specifically appropriated to the several objects hereinafter mentioned, for the year commencing

on the first day of June, one thousand eight hundred and fifty-three. to be paid out of any money in the treasury not otherwise appropriated.

SECTION 2. For the salary of the Governor of the Commonwealth, Executive de- three-thousand dollars; for the salary of the Secretary of the Com- partition. monwealth, twelve hundred dollars, and the further sum of five hundred dollars to be paid to him as Superintendent of Common Schools; for the salary of the Deputy Secretary of the Commonwealth, twelve hundred dollars; for the salary of the Auditor General, including his compensation as Commissioner of the Sinking Fund, seventeen hundred dollars; for the salary of the Surveyor General, fourteen hundred dollars; for the salary of the Attorney General, three hundred dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the State Treasurer, including his compensation as Commissioner of the Sinking Fund, seventeen hundred dollars; for clerk hire in the State Department, three thousand dollars; for clerk hire in the Auditor General's office, six thousand two hundred dollars; for clerk hire in the State Treasurer's office, four thousand dollars; for clerk hire in the Surveyor General's office, five thousand seven hundred dollars; for the salary of the State Librarian, five hundred dollars; for the salary of the Clerk of the Commissioners of the Sinking Fund, two hundred dollars.

SECTION 3. For the payment of the contingent expenses of the Ex- Contingent ex- ecutive and State Departments, including the department of Common penses, Execu- Schools, to wit: For stationery, five hundred and fifty dollars; for tive and State departments. postage, including telegraphic despatches, eighteen hundred dollars; for the pay of messengers, eight hundred and fifty dollars; for fuel and lights, sixty dollars; for cleaning offices and executive chambers, thirty-five dollars; for miscellaneous expenses in the Secretary's office, fifty dollars; for blank books, forty dollars; painting, whitewashing and carpeting, two hundred and fifty dollars.

SECTION 4. For the payment of contingent expenses of the Auditor Auditor Gener- General's office, to wit: For postage, five hundred dollars; for the al's office. pay of messenger, four hundred dollars; for stationery, three hundred dollars; for fuel, sixty-five dollars; for miscellaneous expenses, sixty-five dollars.

SECTION 5. For the payment of the contingent expenses of the Treasury de- State Treasurer's office, to wit: For postage, three hundred and fifty partition. dollars; for the payment of telegraphic despatches, one hundred and twenty-five dollars; for stationery and blank books, three hundred and fifty dollars; for fuel and lights, seventy-five dollars; for miscellaneous expenses, one hundred dollars; for messenger and night watch, five hundred and fifty dollars.

SECTION 6. For the payment of the contingent expenses of the Surveyor Gen- Surveyor Gen- eral's office. eral's office, to wit: For the pay of messenger, three hundred and sixty dollars; for stationery and books, three hundred and twenty-five dollars; for postage, three hundred dollars; for scrubbing and washing, forty dollars; for fuel, eighty dollars; for miscellaneous expenses, ninety-five dollars.

SECTION 7. For the payment of the expenses of the Legislature, in- Legislature. cluding the pay of members, clerks, officers and contingent expenses, one hundred thousand dollars.

SECTION 8. For the public printing, folding, stitching and binding, Printing. twenty-five thousand dollars.

SECTION 9. For packing and distributing the laws and journals of Distribution of the Legislature, seven hundred dollars; the packing and distributing laws.

of the said laws and journals to be performed under the direction of the Secretary of the Commonwealth.

Miscellaneous. SECTION 10. For miscellaneous expenses, three thousand dollars, to be accounted for in the usual manner.

Supplying water and gas to public buildings. SECTION 11. For the payment to the borough of Harrisburg for supplying the public buildings with water, as per act of the twenty-eighth day of April, one thousand eight hundred and forty, six hundred dollars; for the payment of gas furnished for the public buildings and walks by the Harrisburg Gas company, the sum of one thousand eight hundred dollars, or so much thereof as may be necessary for that purpose, to be paid on the warrant of the Governor, under contract with said company, in pursuance of the act incorporating said company and the supplements thereto.

Common schools. SECTION 12. For the support of the Common Schools, two hundred thousand dollars, as provided in the common school law, to be paid on warrants drawn by the Superintendent of Common Schools, in favor of the accepting school districts of the Commonwealth, in proportion to the number of taxable inhabitants in each.

Pensions. SECTION 13. For the payment of pensions and gratuities, twenty thousand dollars.

Judiciary. SECTION 14. For the payment of the expenses of the judiciary, to wit: For the salary of the Chief Justice of the supreme court, two thousand dollars; for the salaries of each of the associate judges of said court, eighteen hundred dollars; for the daily pay of the judges of said court, five thousand dollars: *Provided*, That the said judges shall not be allowed their daily pay except for the days employed in traveling, and the performance of their judicial duties while actually at court.

For the payment of the salaries of the president and two associate judges of the first judicial district, seven thousand five hundred dollars.

For the payment of the salaries of the president and the two associate judges of the district court of the city and county of Philadelphia seven thousand five hundred dollars.

For the salary of the president judge of the second judicial district, for the county of Lancaster, two thousand dollars.

For the salary of the president judge of the third judicial district, composed of the counties of Northampton and Lehigh, sixteen hundred dollars.

For the salary of the president judge of the fourth judicial district, composed of the counties of Tioga, Potter, M'Kean and Elk, sixteen hundred dollars.

For the salary of the president judge of the fifth judicial district, for the county of Allegheny, two thousand two hundred dollars.

For the salaries of the president judge and assistant judge of the district court of the county of Allegheny, four thousand four hundred dollars.

For the salary of the president judge of the sixth judicial district, composed of the counties of Erie, Crawford and Warren, sixteen hundred dollars.

For the salary of the president judge of the seventh judicial district, composed of the counties of Bucks and Montgomery, sixteen hundred dollars.

For the salary of the president judge of the eighth judicial district, composed of the counties of Northumberland, Lycoming, Centre and Montour, sixteen hundred dollars.

For the salary of the president judge of the ninth judicial district, composed of the counties of Camberland, Perry and Juniata, sixteen hundred dollars.

For the salary of the president judge of the tenth judicial district, composed of the counties of Westmoreland, Indiana and Armstrong, sixteen hundred dollars.

For the salary of the president judge of the eleventh judicial district, composed of the counties of Luzerne, Wyoming and Columbia, sixteen hundred dollars, and two hundred dollars as recorder of the city of Carbondale, in said district, agreeably to the act incorporating said city.

For the salary of the president judge of the twelfth judicial district, composed of the counties of Dauphin and Lebanon, two thousand dollars.

For the salary of the president judge of the thirteenth judicial district, composed of the counties of Bradford, Susquehanna and Sullivan, sixteen hundred dollars.

For the salary of the president judge of the fourteenth judicial district, composed of the counties of Fayette, Washington and Greene, sixteen hundred dollars.

For the salary of the president judge of the fifteenth judicial district, composed of the counties of Chester and Delaware, sixteen hundred dollars.

For the salary of the president judge of the sixteenth judicial district, composed of the counties of Franklin, Bedford, Somerset and Fulton, sixteen hundred dollars.

For the salary of the president judge of the seventeenth judicial district, composed of the counties of Beaver, Butler and Lawrence, sixteen hundred dollars.

For the salary of the president judge of the eighteenth judicial district, composed of the counties of Venango, Clarion, Jefferson, Mercer and Forest, sixteen hundred dollars.

For the salary of the president judge of the nineteenth judicial district, composed of the counties of York and Adams, sixteen hundred dollars.

For the salary of the president judge of the twentieth judicial district, composed of the counties of Mifflin and Union, sixteen hundred dollars.

For the salary of the president judge of the twenty-first judicial district, composed of the county of Schuylkill, sixteen hundred dollars.

For the salary of the president judge of the twenty-second judicial district, composed of the counties of Monroe, Pike, Wayne and Carbon, sixteen hundred dollars.

For the salary of the president judge of the twenty-third judicial district, composed of the county of Berks, sixteen hundred dollars.

For the salary of the president judge of the twenty-fourth judicial district, composed of the counties of Huntingdon, Blair and Cambria, sixteen hundred dollars.

For the salary of the president judge of the twenty-fifth judicial district, composed of the counties of Clinton, Centre and Clearfield, sixteen hundred dollars, and for the payment of his salary until the first day of June next, two hundred dollars, or so much thereof as may be necessary.

For the payment of mileage to the president judges of the several judicial districts, three thousand dollars.

For the payment of the salaries and mileage of the associate judges of the several counties of this Commonwealth, sixteen thousand five hundred dollars.

Guaranty of interest. SECTION 15. For the payment of the guaranty to the Pottsville and Danville Railroad company, by the act of the seventeenth day of April, one thousand eight hundred and thirty-four, eight thousand five hundred and seventeen dollars and fifty cents, it being the interest in full on said guaranty up to the first day of August, Anno Domini one thousand eight hundred and fifty-three, payable in accordance with the act of April twelfth, one thousand eight hundred and fifty-one; to the Bald Eagle and Spring Creek Navigation company, by the act of seventh of April, one thousand eight hundred and thirty-five, ten thousand dollars; for the payment of the guaranty to the Tioga Navigation company, by the act of the seventh April, one thousand eight hundred and thirty-five, seven thousand and five hundred dollars, or so much thereof as may be necessary: *Provided*, That the sums hereby specified and appropriated to the two last named companies, shall not be paid until the semi-annual interest on the funded debt of the Commonwealth that will fall due on the first day of August next shall have been paid in full.

Interest on State debt. SECTION 16. For the payment of the interest on the funded debt of the Commonwealth that will fall due on the first day of August next, and the first day of February, one thousand eight hundred and fifty-four, the sum of two millions of dollars, or so much of the same as may be necessary, and the State Treasurer is hereby authorized, and if it shall be necessary for the payment of the interest on the said funded debt falling due on the first day of August next, to negotiate a temporary loan for a sum not exceeding three hundred thousand dollars, upon the same terms and conditions as were provided for by the second section of the act entitled "An Act to provide for the ordinary expenses of government, the repairs of the canals and railroads belonging to the State, and the payment of other claims upon the Commonwealth," passed the eleventh day of April, one thousand eight hundred and forty eight.

Ordinary and extraordinary repairs. SECTION 17. For the ordinary and extraordinary repairs and improvements of the canals and railroads belonging to the Commonwealth, for the year ending the thirteenth day of November, one thousand eight hundred and fifty-three, the sum of two hundred and sixty-seven thousand four hundred and forty four dollars, in addition to the sum of one hundred and twelve thousand dollars, appropriated by the act of the fourth May, one thousand eight hundred and fifty-two, for necessary repairs after the first day of December, one thousand eight hundred and fifty-two, to be appropriated as follows:

For the Philadelphia and Columbia railroad, forty-seven thousand four hundred and seventy dollars.

For the Allegheny Portage railroad, forty-one thousand one hundred dollars.

For the Eastern division of the Pennsylvania canal, twenty-one thousand dollars.

For the Lower Juniata division, thirteen thousand dollars.

For the Upper Juniata division, twenty-nine thousand dollars.

For the Upper Western division, thirteen thousand nine hundred and sixty-four dollars.

For the Lower Western division, twenty-four thousand seven hundred dollars.

For the Delaware division, thirty thousand dollars.

For the West Branch division of the Pennsylvania canal, twenty-two thousand two hundred and ten dollars.

For the North Branch division, thirteen thousand dollars.

For the Susquehanna division, twelve thousand dollars.

SECTION 18. For ordinary repairs, to be made after the first day of December, one thousand eight hundred and fifty three, the sum of one hundred and fifty thousand dollars; no part thereof shall be expended before the said first day of December, except so much of the same as may be necessary for the purchase and preparation of materials for executing repairs after that period.

SECTION 19. For expenses for motive power, for the year ending the thirtieth day of November, one thousand eight hundred and fifty three, the sum of five hundred and twenty-nine thousand three hundred and thirty-four dollars and seventy six cents, in addition to the sum of twenty thousand dollars appropriated by the act of the fourth of May, one thousand eight hundred and fifty-two, and the sum of seventeen thousand four hundred and ninety-two dollars and twenty four cents, being the unexpended balance of the appropriation per act of fourth of May, one thousand eight hundred and fifty-two, for running night trains on Allegheny Portage railroad, such sum is hereby appropriated as follows :

To the Philadelphia and Columbia railroad, for ordinary motive power expenses, one hundred and ninety-five thousand six hundred and ninety-four dollars; for the purchase of eight locomotive engines, seventy-six thousand dollars; for water stations, repair of roof and new machinery at Parkesburg shop, and for repair of boat trucks, seven thousand four hundred and twenty-five dollars.

To the Allegheny Portage railroad, for ordinary motive power expenses, one hundred and ninety-seven thousand seven hundred and eight dollars; for purchase of four new locomotive engines, forty thousand dollars; for running night trains, twelve thousand five hundred and seven dollars and seventy-six cents.

SECTION 20. For motive power expenses from and after the first day of December, one thousand eight hundred and fifty-three, to the first day of April, one thousand eight hundred and fifty-four, seventy-thousand dollars, to be appropriated as follows: To the Philadelphia and Columbia railroad, fifty thousand dollars, and to the Allegheny Portage, twenty thousand dollars.

SECTION 21. For the payment for the services of collectors, toll-gatherers, weigh-masters, inspectors, and for the incidental expenses of their offices until the first of April, one thousand eight hundred and fifty-four, fifty-three thousand five hundred and sixteen dollars and sixty two cents; for the payment for the services of lock-tenders, for the same period, forty-one thousand five hundred and fourteen dollars and thirty-one cents.

SECTION 22. For the payment of the Canal Commissioners and the expenses attendant upon their office, six thousand one hundred and ninety-five dollars, to be appropriated as follows: For the compensation of the Canal Commissioners, four thousand three hundred and eighty dollars; salary of the secretary of the board, one thousand dollars; pay of messenger, three hundred dollars; postage, two hundred and sixty-five dollars; stationery and advertising, one hundred and fifty dollars; repairing and cleaning of office, with other miscellaneous expenses, one hundred dollars.

SECTION 23. For the repairs and rebuilding of road and farm bridges over the public works in different sections of the Commonwealth, fifteen thousand dollars, and the Canal Commissioners are hereby autho-

Proviso.

rized, if they should deem it to the interest of the Commonwealth, to have the bridge over the railroad at the collector's office at Lancaster re-constructed of iron: *Provided*, The city of Lancaster shall contribute one-fourth of the cost of said bridge.

Debts contracted for repairs.

SECTION 24. For the payment of debts contracted for repairs during the fiscal year ending November the thirtieth, one thousand eight hundred and fifty-two, one hundred and four thousand one hundred and eighty-nine dollars and thirteen cents, to be appropriated as follows:

For the Philadelphia and Columbia railroad, five thousand three hundred and sixty dollars and seventy-one cents.

For the Allegheny Portage railroad, fifty thousand three hundred and twenty-nine dollars and seventy-one cents.

For the Eastern division of the Pennsylvania canal, six thousand one hundred and twenty dollars.

For the Lower Juniata division, five thousand six hundred and ten dollars and eighty-four cents.

For the Upper Juniata division, nine thousand eight hundred and forty-five dollars and fifty cents.

For the Upper Western division, five thousand and sixty-five dollars and seventy-six cents.

For the Lower Western division, nine thousand six hundred and forty-six dollars and forty-six cents.

For the Delaware division, seven thousand one hundred and ninety-two dollars and fifty-four cents.

For the West Branch division, five thousand and seventeen dollars and sixty-one cents.

Debts contracted previous to Dec. 1, 1851.

SECTION 25. For the payment of debts contracted for repairs previous to the first day of December, one thousand eight hundred and fifty-one, thirty-two thousand eight hundred and eighty-nine dollars and eighty-three cents, to be appropriated as follows:

For the Allegheny Portage railroad, sixteen thousand seven hundred and sixty-nine dollars and forty-seven cents.

For the Eastern division of the Pennsylvania canal, three thousand dollars.

For the Lower Juniata division, eight hundred and fifty-eight dollars.

For the Upper Juniata division, seven thousand four hundred and forty dollars and fifty cents.

For the Lower Western division, four thousand eight hundred and twenty-one dollars and eighty-six cents.

Motive power debts.

SECTION 26. For the motive power debts contracted during the fiscal year ending on the thirtieth day of November, one thousand eight hundred and fifty-two, on the Philadelphia and Columbia railroad, nine thousand one hundred and ninety-six dollars and thirty-one cents, and on the Allegheny Portage railroad, sixty-nine thousand and forty-six dollars and fifty cents.

Motive power debts contracted previous to Dec. 1, 1851.

SECTION 27. For motive power debts contracted previous to the first day of December, one thousand eight hundred and fifty-one, on the Philadelphia and Columbia railroad, eight thousand one hundred and twenty-two dollars and eleven cents, and on the Allegheny Portage railroad, seven thousand six hundred and thirty-four dollars and sixty cents.

Repairs and damages by fire, &c.

SECTION 28. For the repairs of any damage that may be done to any portion or portions of the public works by breaches or fire, the sum of twenty-five thousand dollars, in addition to the twenty-five thousand dollars appropriated by an act passed February, one thou-

and eight hundred and fifty-three: *Provided*, That before any part **Proviso.** of the said sum shall be drawn from the State Treasury, the Canal Commissioners shall certify to the State Treasurer and Auditor General, the nature and extent of such damages, and the amount deemed necessary to be drawn from the treasury to meet the expenses for repairing such damages, and if the Auditor General and State Treasurer concur in opinion as to the necessity of making such repairs before the commencement of the next session of the Legislature, the amount required for such purpose, not exceeding the sum hereby appropriated, may be advanced to the proper disbursing officer or officers.

SECTION 29. That the appropriations by this act made applicable for repairs and motive power expenses on the canals and railroads belonging to the Commonwealth, and for the payment of debts on the several lines of the public works, may be paid by the State Treasurer on presentation of the required vouchers, and at such times after the passage of this act, as the interest of the public service may require, keeping in view the different sections of the works as severally specified. **Payments to be made on presentation of vouchers after passage of this act.**

SECTION 30 For the payment of salaries of officers in the Eastern penitentiary, eight thousand dollars; for the payment of salaries of officers in the Western penitentiary, six thousand dollars: *Provided*, **Proviso.** That the amount of salaries to be paid to said officers shall be fixed by the respective boards of inspectors, and shall in no case exceed the rates allowed prior to the act of the seventeenth of April, one thousand eight hundred and forty-three.

SECTION 31. To pay for the publication of the condensed abstract of the statements of superintendents and supervisors, as provided for by the thirty-fourth section of an act to provide for the ordinary expenses of government, the repair of the public canals and railroads, and other general and special appropriations, passed May fourth, one thousand eight hundred and fifty two, six hundred dollars. **Condensed abstract of superintendents, &c.**

SECTION 32. For the completion of the work now under contract for the improvement of the Delaware division of the Pennsylvania canal, twenty thousand dollars. **Completion of work on Delaware division.**

SECTION 33. For the House of Refuge of Philadelphia, five thousand dollars, in accordance with the provisions of an act passed in the year one thousand eight hundred and fifty-two; also to the House of Refuge of Philadelphia six thousand dollars, as required by the provisions of an act passed the tenth day of April, one thousand eight hundred and fifty-one; for the Pennsylvania institution for the instruction of the blind, twelve thousand dollars; for the instruction of indigent pupils in the Pennsylvania institution for the deaf and dumb, fifteen thousand dollars. **House of Refuge.**

SECTION 34. For the Pennsylvania State Lunatic Hospital the sum of twenty thousand dollars, to be drawn by the trustees of the said hospital for the use of the institution, to be accounted for in the usual manner, and the further sum of six hundred dollars to enable them to purchase a tract of land immediately adjoining the present property, for the use of the institution. **Pennsylvania State Lunatic Hospital.**

SECTION 35. For the improvement of the raft channel in the Susquehanna river, at Brubaker's island, three hundred and fifty dollars, the money to be expended under the direction of a commissioner to be appointed by the Governor. **Raft channel at Brubaker's island.**

SECTION 36. That the sum of fifteen hundred dollars shall be applied to the protection of the bank of the river Susquehanna, on the south side of the pool of the Dunnstown dam, between the lock of the Bald Eagle cross-cut and the said dam, which sum shall be taken from **Protection of bank of Susquehanna at Dunnstown dam.**

the sum of twenty-two thousand two hundred and ten dollars appropriated to the West Branch division of the Pennsylvania canal, and shall be expended under the direction of the supervisor on said West Branch division.

Registration. SECTION 37. For the payment of the balance due the present State Printer, on account of printing the books for the registration of marriages, births, and deaths, the sum of six thousand four hundred and fifty-five dollars, or so much thereof as may be found due by the accounting officers.

Legislative Record. SECTION 38. For the payment of Royal and Clyde, for the publication of the Legislative Record, five hundred dollars in addition to the sum of seven hundred dollars heretofore appropriated.

Nancy Walker. Proviso. SECTION 39. For the payment of the claim of Nancy Walker, the sum of one hundred and thirty-two dollars: *Provided*, The same shall be in full of all demand against the Commonwealth.

William Stewart. SECTION 40. For the payment of the claim of William Stewart, of Huntingdon, on account of building lock number thirty-five, the sum of seven hundred dollars, in full of all demands against the Commonwealth.

Samuel Gehrett. SECTION 41. For the payment of the claim of Samuel Gehrett of Armstrong county, the sum of one hundred and twenty-seven dollars, in full for repairing State arms in one thousand eight hundred and forty-three.

Morris Leech. Proviso. SECTION 42. For the payment of the claim of Morris Leech, the sum of seven hundred dollars: *Provided*, The same be in full of all demands of said Leech against the Commonwealth.

Patterson and Witmer. SECTION 43. For payment of the claim of Patterson and Witmer, for damages done by the destruction of five cars with their contents, on the Philadelphia and Columbia Railroad, on the thirteenth of March, one thousand eight hundred and fifty-one, six hundred and forty-nine dollars and seventy cents: *Provided*, That said Patterson and Witmer shall execute a release in full for all claims against the Commonwealth.

John Webster, app. repealed. SECTION 44. That so much of the forty-seventh section of an act to provide for the ordinary expenses of the government, the repair of the public canals and railroads, and other general and special appropriations, passed April fifteenth, one thousand eight hundred and fifty-one, as appropriates eight hundred dollars to John Webster, for the destruction of a barn and its contents, be and the same is hereby repealed.

State geological report. SECTION 45. That the sum of eight thousand dollars is hereby appropriated as the annual payment on account of expenditures attendant on the publication of the final State Geological report, prepared by Professor Rodgers, in such manner as directed by the acts of one thousand eight hundred and fifty-one, and one thousand eight hundred and fifty-two.

Payment of claims for damages on Columbia railroad. SECTION 46. For the payment of claims for damages to lands and lots, sustained in consequence of the avoidance of curves on the Philadelphia and Columbia railroad, two thousand and sixty dollars, as follow: To Henry Pownall, twenty-five dollars; to Samuel Brinton, seventy-five dollars; to Pownall and Dickinson, one hundred and twenty-five dollars; to Ambrose Pownall, seventy-five dollars; to John Houston, one hundred and twenty-five dollars; to Wallace Null, twenty-five dollars; to heirs of Philip T. Boon, five dollars; to heirs of William Noble, three hundred dollars; to Edward Lammy, one hundred and twenty-five dollars; to Sarah Watson, forty dollars; to Margaret Moore, two hundred and forty dollars; to Benjamin Kirk, one hundred

dollars; to Samuel Jones, ten dollars; to Samuel D. Moore, one hundred and fifty dollars; to Hiram Cleaver, one hundred dollars; to Sarah George, four hundred and fifty dollars; to David George, fifty dollars; to George Tomlinson, forty dollars: *Provided*, That before any person mentioned in this section shall receive any money hereby appropriated, they shall execute a good and sufficient release in full, for all damages in consequence of avoiding the curves on the aforesaid railroad.

SECTION 47. The sum of one hundred and eighty-dollars to Samuel R. Richards, as the balance due him for work done on the section number eleven, Kiskiminetas division of the Pennsylvania canal. **Samuel R. Richards.**

SECTION 48. For the payment of the claims of D. Leech and company, for damages done to cars and goods by fire and other accidents, on the Portage and Allegheny railroad, the sum of nine thousand three hundred and ninety-one dollars and fifty-six cents, which sum shall be in full for all claims said company may have against the Commonwealth. **D. Leech & Co.**

SECTION 49. For the payment of the claim of Owen Sweeney, for damages sustained by the breaking of four coal cars at plane number six, on the Allegheny Portage railroad, the sum of four hundred dollars, which sum shall be in full for all claims against the Commonwealth; for the payment of the claim of Joseph Trimmer, for materials taken from his land to repair canal bridges, the sum of seventy-five dollars, which shall be in full for all claims against the Commonwealth. **Owen Sweeney.**

SECTION 50. For the payment of the claim of Robert M. Lemon, for damages sustained by the breaking of two coal cars at plane number eight, on the Allegheny Portage railroad, the sum of two hundred dollars, which shall be in full for all claims against the Commonwealth. **R. M. Lemon.**

SECTION 51. For the payment of the claim of Charles Lloyd, as compensation for injuries to twenty acres of land, and for making embankment, caused by the erection of the dam at Loyalsoek creek, on the West Branch division of the Pennsylvania canal, the sum of five hundred dollars: *Provided*, That before said sum of five hundred dollars shall be paid, the said Lloyd shall execute and deliver to the proper officer of the Commonwealth a receipt, which shall be in full for all claims in consequence of said dam up to this date, and for the future forever. **Charles Lloyd.**

SECTION 52. For the payment of the claim of Alexander M'Connell, for damages sustained in consequence of a cut of the Western division of the Pennsylvania canal through said M'Connell's land, the sum of two hundred dollars, which sum is to be in full for all claims against the Commonwealth. **Alexander M'Connell.**

SECTION 53. For completing the objects contained in the ninety-first section of the act providing for the ordinary expenses of the government, passed fourth May, one thousand eight hundred and fifty-two, the sum of twelve hundred dollars, two hundred dollars of which is hereby appropriated as additional to the pay of the Chief Clerk in the State Department. **Clerk hire State Department.**

SECTION 54. That the Attorney General be, and he is hereby authorized and required to examine or cause to be examined the several claims of the Commonwealth against defaulters, as reported to the Legislature by the State Treasurer, and in such cases where it may be found that no claims exist by reason of suits having been instituted for their recovery and lost, or when any judgment recovered has been paid in due course of law, or when from any other cause the claim has to examine claims against defaulters. **Attorney General authorized to examine claims against defaulters.**

been extinguished or discharged, to have the same stricken from the list of said defaulters, and the proper entries made upon the books of the accountant officers, and in all other cases he shall adopt such measures as to him may seem best calculated to secure, with as little delay as possible, the payment into the treasury of the several amounts due, and make report thereof, together with a statement setting forth distinctly and separately, each and every claim settled by him under his authority or action, the circumstances and the amount of each claim and allowance thereon, to both branches of the Legislature, on or before the tenth day of January in each and every year.

State Arsenal
Philadelphia.

SECTION 55. That the Governor be and is hereby authorized to sell and convey the Eastern Arsenal property, in Juniper street, in the city of Philadelphia: *Provided*, He can obtain thirty thousand dollars for the same, and that he be further authorized to purchase with the proceeds of the sale of said property, a lot in such location as shall be determined upon by himself and the Adjutant General, and to erect thereon an arsenal adapted to the objects for which it is to be used: *And provided further*, That no money shall be expended under the provisions of this section, until the Governor shall be satisfied, after a full examination of the subject, that the sum for which said property may be sold will be sufficient to defray the entire expenses necessary for the purchase of ground, and the erection of the new arsenal thereon as aforesaid.

Proviso.

Adjutant Gen-
eral.

SECTION 56. For the payment of the Adjutant General for visiting the arsenals of the Commonwealth, as directed by the act of second of April, one thousand eight hundred and twenty-two, entitled "An Act for the regulation of the militia of this Commonwealth," the sum of two hundred and fifty dollars.

Canal Commis-
sioners to sell
certain real es-
tate.

SECTION 57. The Canal Commissioners are hereby authorized and required to sell and convey, at public or private sale, the lot of land in Athens township, Bradford county, purchased of John Spalding, or so much thereof as is not necessary for the use of the North Branch canal, and pay the proceeds of said sale into the State Treasury; they shall also have authority to sell, if they shall deem it expedient, a piece of land situated in Conemaugh township, Cambria county, being bounded by the Pennsylvania canal and Conemaugh river, and also the lot of ground at Johnstown, known as the Packet Slip, both of which now belong to the Commonwealth.

Clerks of Legis-
lature.

SECTION 58. That the clerks and assistant clerks of both branches of the Legislature shall have in addition to their present compensation one hundred dollars each, and to each of the transcribing clerks fifty dollars, and that the pay and extra compensation of John Smull shall be three hundred and fifty dollars.

Dunlop's Di-
gest.

SECTION 59. To pay T. and J. W. Johnson for Dunlop's Digest, furnished members of the House of Representatives, as per resolution of the House of the tenth of January last, seven hundred dollars, and to the Clerk of the Senate for Dunlop's Digest furnished members of the Senate, as per resolution of that body, two hundred and thirty-eight dollars.

Sergeant-at-
arms, &c.

SECTION 60. That the Sergeant-at-Arms, Door keeper and Messengers of each House, and their assistants, shall have, in addition to the pay now allowed by law, the sum of fifty dollars each for their attendance during the present session, and an additional sum of thirty dollars to W. P. Brady, for preserving and arranging copies of the Legislative Record.

Scrubbing and
cleaning.

SECTION 61. That the Clerks of the Senate and House of Representatives be directed to pay ten dollars to each of the women employed

by them in scrubbing and cleaning the chambers of the respective Houses.

SECTION 62. For the State Library, five hundred dollars, to be dis- State Library.
bursed under the direction of the Secretary of the Commonwealth,
the accounts of such disbursements to be settled on or before the
first day of June, eighteen hundred and fifty-four, in the usual man-
ner.

SECTION 63. For the payment of costs in the supreme court of the Costs of Su-
United States, in the case of the Commonwealth of Pennsylvania preme court.
against the Wheeling and Belmont Bridge company, eight hundred
and fifty-one dollars and sixty and a-half cents, to be paid under the
direction of the Governor; and the Auditor General is hereby autho-
rized and required to audit the accounts of John Holmes and Edwin
M. Stanton, for advances to the commissioner of the said supreme
court, and necessary expenses paid in the prosecution of the said suit,
and allow the same as far as he may deem reasonable and just; and
that the amount so allowed shall be paid to them respectively by the
State Treasurer, upon warrants drawn by the Auditor General; and the
counsel for the State are hereby required to have the costs paid by the
State in said proceeding, taxed under the decree heretofore rendered in
her favor, and collected by due process of law, and paid into the State
Treasury.

SECTION 64. For the payment of the costs accruing in the case of the Expense in case
supposed escheats of the estate of William Huff, late of Cumberland of Wm. Huff.
county, the sum of fifty-two dollars and seventy-nine cents; also, for
the payment of professional services in said case, to Samuel Hepburn
and William H. Miller, of Carlisle, the sum of one hundred dollars.

SECTION 65. For the payment of the agents appointed by the Gov- Expenses of
ernor, under the twenty-fourth section of the act of thirteenth April, agents on Penn-
one thousand eight hundred and forty-six, incorporating the Pennsyl- sylvania rail-
vania Railroad company, the sum of eight hundred dollars per annum road.
each, from the date of their appointment.

SECTION 66. For the payment of counsel fees and costs heretofore in- Council fees
curred, in the case of the Commonwealth against the Franklin Canal Franklin canal.
company, five hundred dollars, to be disbursed under the direction of
the Governor, and paid upon his warrants by the State Treasurer.

SECTION 67. To Joseph Miller, of the city of Philadelphia, the sum Joseph Miller.
of thirty dollars for State tax paid by him in mistake, as per act passed
at the present session.

SECTION 68. For repairing the State Powder Magazine in the county Repairing State
of Philadelphia, the sum of five hundred dollars, to be expended under Powder Maga-
the direction of the superintendent, and the account to be settled by zine.
the Auditor General, and the same amount for storage in the said
magazine shall be paid as is now paid: *Provided*, That it shall be the Proviso.
duty of said superintendent, during the month of January of every
year, to make return under oath to the Auditor General of the num-
ber of kegs of powder stored in said magazine during the preceding
year, and shall pay into the State Treasury the amount received by him
under this act, until the sum so paid shall amount to the sum hereby ap-
propriated, then the authority hereby given to said superintendent to
charge the extra sum of two cents storage per keg shall cease and de-
termine.

SECTION 69. For the payment of John Scott, of Chester county, for John Scott.
the removal of his barn, situated on the Columbia and Philadelphia
railroad, the sum of five hundred dollars, as recommended by the Canal
Commissioners and superintendent on said road, as per report made to
the House of Representatives at the last session of the Legislature:

- Proviso.** *Provided*, That before said money be paid, the said John Scott shall enter into a bond in the sum of one thousand dollars, with good and sufficient security, conditioned for the removal of said barn within the period of one year from the passage of this act: *And provided also*, That he shall execute a full and sufficient release to the State Treasurer from all liabilities on the part of the Commonwealth for any damages to said barn by fire.
- Henry Leamon.** SECTION 70. For the payment of claim of Henry Leamon, arising from the destruction of Lemon Place hotel, by sparks from a locomotive engine on the Philadelphia and Columbia railroad, four thousand five hundred dollars, to be in full of all claims against the Commonwealth, arising from the destruction of this property.
- Governor to anticipate excess of receipts into State Treasury.** SECTION 71. That the Governor be, and he is hereby authorized and empowered to anticipate the excess receipts to the treasury, above the ordinary expenditures, including the interest on the public debt for the year one thousand eight hundred and fifty-three, and one thousand eight hundred and fifty-four, by temporary loans based on the faith of the Commonwealth, at a rate of interest not exceeding six per cent.:
- Proviso.** *Provided*, That said excess shall not be estimated above the sum of four hundred and seventy-five thousand dollars for each year, and shall be borrowed at such times and in such amounts as the objects and purposes hereinafter stated shall require, and that it shall be the duty of the Governor to cause said temporary loans to be reimbursed as rapidly as the means of the treasury will permit.
- North Branch canal.** SECTION 72. That the sum of nine hundred and fifty thousand dollars hereby authorized to be raised by said officers, shall be appropriated as follows: to the completion of the North Branch canal, the sum of three hundred and fifty thousand dollars; to the work of re-laying the north track of the Philadelphia and Columbia railroad, the sum of one hundred and eighty-seven thousand dollars; and the remaining sum of four hundred and thirteen thousand dollars, together with any sum not exceeding one hundred thousand dollars in the treasury, and not otherwise appropriated, shall be applied to the construction of the new railroad to avoid the planes on the Allegheny Portage railroad.
- Philadelphia and Columbia railroad.**
- Allegheny Portage railroad.**
- Canal Commissioners not to increase prices.** SECTION 73. That hereafter the Canal Commissioners shall not have power to increase the rate of prices at which work may be allotted at a public letting and for which a contract has been executed, and in every case when such contract shall be abandoned by the contractor or contractors, the retained per centage shall be forfeited to the Commonwealth, and the work under such abandoned contract shall be re-let at a public letting, of which full and complete notice shall be given.
- Joseph C. Smith.** SECTION 74. That the sum of six hundred and eighty-nine dollars be appropriated to the payment in full of the burning of the barn and contents belonging to Joseph C. Smith, of Chester county.
- Geological report.** SECTION 75. That the Secretary of the Commonwealth be and he hereby is authorized and directed to furnish to the members of the Senate and House of Representatives of the sessions of one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, and of the present session, full and complete copies as the same may be from time to time issued, of the publications of the geological report, as authorized by the act of one thousand eight hundred and fifty-one, and subsequent acts: *Provided*, That no member shall receive more than one copy thereof.
- Proviso.**
- Geo. Wolf.** SECTION 76. That the sum of one thousand and sixty-five dollars be paid to George Wolf, for money paid by him upon purchase of the

State depot at Columbia, which was subsequently rescinded, and for the use of his locomotives on the State road.

SECTION 77. That the State Treasurer be, and he is hereby authorized to pay to the widow of Samuel Burnwood, late engineer on the Columbia railroad, the sum of three hundred dollars, out of moneys not otherwise appropriated. Samuel Burnwood.

SECTION 78. That the State Treasurer be, and he is hereby authorized to pay Catharine Hovis, widow of Isaac Hovis, deceased, the sum of two hundred dollars, for making fire in the State Library. Catharine Hovis.

SECTION 79. For the payment of the claim of Joshua Morrison, the sum of one hundred dollars. Joshua Morrison.

SECTION 80. That hereafter the Canal Commissioners shall not settle any claim for damages when the Commonwealth is a party, unless the person or persons so claiming shall first give notice to the Canal Commissioners, at least ten days preceding the examination of witnesses, or the taking of depositions in said case or cases, when and where the Canal Commissioners, their agent or agents, may have the right to cross-examine or produce rebutting testimony, if they deem it necessary. Damages, Canal Commissioners not to settle claims unless ten days notice is given.

SECTION 81. That the sum of ninety-nine dollars, sixty-two and a half cents, be and the same is hereby appropriated to Andrew Young, for fitting up and repairing the Senate Chamber in the years one thousand eight hundred and forty-nine, one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one: *Provided*, That the account of the said Andrew Young shall be first examined and approved by the Clerk of the Senate. Andrew Young.

SECTION 82. That the sum of twelve hundred dollars be and the same is hereby appropriated to John Fenlon, in full of his claim against the Commonwealth, on account of property occupied and used at Johnstown as a boat slip, and an act authorizing the court of common pleas of Cambria county to make a feigned issue between John Fenlon and the Canal Commissioners, passed May the first, one thousand eight hundred and fifty-two, be and the same is hereby repealed: *Provided*, That said money shall not be paid until the said John Fenlon shall convey by a good and sufficient deed, a clear title to the lot occupied by the Commonwealth as a boat slip at Johnstown, Cambria county, and which was bought by the Canal Commissioners from Thomas Young. John Fenlon.

SECTION 83. That if the publication of the Pennsylvania Archives shall not be completed within the year to which the salary of Samuel Hazard is limited, by the act of the first of March, one thousand eight hundred and fifty-two, the Governor is hereby authorized to draw his warrant in favor of the said Samuel Hazard for such sum as he may think just and reasonable, as compensation for supervising the completion of said publication, not exceeding the sum of two hundred and fifty dollars, and that such amount paid him shall be in full for his services. Pennsylvania Archives.

SECTION 84. For improving and keeping in repair the public grounds surrounding the capitol, three hundred dollars, to be disbursed under the direction of the State Treasurer and Auditor General. Public grounds.

SECTION 85. For enclosing the public ground surrounding the arsenal with an iron railing on the western side, and a wooden fence on the eastern, the sum of three thousand dollars, to be disbursed by the State Treasurer and Auditor General. Public grounds surrounding arsenal.

SECTION 86. That the sum of two hundred and fifty dollars is hereby appropriated to the widow of Peter Reidabach, an engineer, Peter Reidabach.

who was killed while in the employ of the State, on the Philadelphia and Columbia railroad.

A. P. railroad.

SECTION 87. For the payment of the expenses of the committee appointed by the House of Representatives, at the present session, to inquire into affairs and condition of the Allegheny Portage railroad, to be paid as follows: To Thomas J. Power, clerk of the committee, for services, sixty dollars; for travelling expenses of committee thirty dollars and ninety cents; for daily pay and mileage of witnesses: to John Linton, fifty dollars; to James Shannon, ten dollars and fifty cents; to Thomas M'Kernan, forty six dollars and ten cents; to T. G. Pomeroy, forty-one dollars and ten cents; to Robert Linton, forty-six dollars and ten cents; to George Murray, forty-eight dollars and twenty cents; to William B. Foster, three dollars; to S. H. Smith, seven dollars and fifty cents; to John Kean, forty dollars and ten cents, to Strickland Knease, thirty dollars and fifty cents; to Patrick Maher, thirty-nine dollars and sixty cents; to Robert Faries, nine dollars; to J. Grinder, sergeant-at-arms, for serving subpoenas and mileage, forty-three dollars and sixty cents.

Repair of arms,
&c.

SECTION 88. For the transportation and repair of arms and other military property, six hundred dollars.

John Scott.

SECTION 89. For the payment of John Scott, late Inspector of the second brigade, fifth division, Pennsylvania militia, forty five dollars and thirty cents, the amount due him as per account settled in the Auditor General's office, and approved by the State Treasurer.

Delaware and
Hudson canal.

SECTION 90. For the payment of the expenses of the committee appointed by the House of Representatives to examine into the affairs of the Pennsylvania division of the Delaware and Hudson canal, in relation to Pennsylvania resuming the same: Clerk, A. J. Herr, fifty dollars; Thomas H. Bass, serving subpoenas, four dollars; to traveling seven hundred miles, seventy dollars; to telegraphic dispatch, two dollars and four cents.

R. H. Adams.

SECTION 91. To Richard H. Adams for services rendered to the committee to investigate the affairs of the Pittsburg and Erie railroad company, ten dollars.

Governor and
State Treasurer
to negotiate a
loan.

SECTION 92. That the Governor and State Treasurer be and they are hereby authorized and empowered to borrow on the faith of the Commonwealth, during the years one thousand eight hundred and fifty-three, and one thousand eight hundred and fifty-four, such sum as may be necessary to cancel any portion of the public debt now due or that may become due during said years, and issue the bonds of the Commonwealth for the same, bearing a rate of interest not exceeding five per cent. per annum, payable semi-annually, which bonds shall not be subject to taxation for any purpose whatever, and shall be re-imbursable at the expiration of twenty or twenty-five years, and the sum so borrowed shall be applied to the payment of the matured debt of the State and to no other purpose, and the bonds issued under the provisions of this act, shall be signed by the Governor and countersigned by the State Treasurer and Auditor General, and the coupons attached to said bonds shall be signed by the State Treasurer: *Provided*, That the premiums on such loans shall be sufficient to render them more advantageous for the Commonwealth than the present loans, taking into consideration the interest as well as the tax on the present certificates: *Provided, further*, That said signatures may be executed by the officers themselves, or by a person or persons by them selected for that purpose; that the Governor be, and he is hereby authorized, should he deem it expedient, to appoint an agent to facilitate the negotiation or conversion of any loans authorized by this act.

Proviso.

Proviso.

SECTION 93. That the bonds for said loan shall be issued in sums Bonds of loans. of either one thousand, five thousand, or ten thousand dollars each, with coupons or interest certificates attached, in sums equal in amount to the semi-annual interest thereon, which certificates shall be redeemable in gold or silver or an equivalent, on the first days in August and February in each and every year, at such place as may be designated by the Governor and State Treasurer; and said officers shall use the engraving procured for the loans of one thousand eight hundred and fifty-two, with such alterations as may become necessary, and cause said bonds and interest certificates to be signed and countersigned as hereinbefore provided, and take such other steps as may be deemed necessary to carry out the true intent and meaning of this act; and the Governor is hereby authorized to draw warrants on the State Treasurer for such sums as may be necessary to pay the proper expenses incident to the negotiation of the loans authorized by this act, and said warrants shall be paid out of any money in the treasury.

SECTION 94. That said officers may advertise for sealed proposals Advertise for for said loan, or any portion of it, at such times as may seem best for loan. the interest of the State, and shall open said bids in the presence of the Auditor General, Secretary of the Commonwealth, and such other persons as may see proper to be present, and should only a part of said loan be bid for, or should it be deemed proper not to accept the bids offered, said officers may effect said loans, or any part thereof, by private negotiation: *Provided*, That in all cases the loan obtained by private negotiation, shall be more advantageous for the Commonwealth than the loans obtained at public letting. *Proviso.*

SECTION 95. That said officers are hereby further authorized and Exchange empowered to issue certificates of loan in the manner and form provided bonds. for in the foregoing sections of this act, bearing five per cent. interest, re-imburseable at such periods as may by them be deemed best, not exceeding twenty-five years from their date, to all such holders of the present bonds of the Commonwealth, as may signify their willingness to receive said new certificates in exchange for a like amount of the present bonds, and pay a premium of not less than two per cent. to the State for the exchange: *Provided*, That the conversion of the present bonds of the State may be made in the manner aforesaid for new bonds, bearing a rate of interest not exceeding four and one-half per cent. in such manner as said officers may find most advantages for the State. *Proviso.*

SECTION 96. That when the loan provided in this act shall have been negotiated and the indebtedness cancelled as aforesaid, it shall be the duty of the State Treasurer to ascertain as nearly as possible the aggregate amount of interest saved to the Commonwealth by the provisions of this act, as compared with the interest now paid, deducting all contingent expenses, and shall at the time of making the then next semi-annual payment of interest, and semi-annually thereafter, pay over to the Commissioners of the Sinking Fund a sum equal to the amount so saved, and all premiums which may be received under the provisions of this act, and all unreclaimed balances, if any, shall be paid over to the Commissioners of the Sinking Fund, to be applied to the cancellation of the public debt, in the same manner that all other receipts to that fund are applied. Sum saved to be paid into Sinking Fund.

SECTION 97. That the Commissioners of the Sinking Fund be and they are hereby authorized to dispose of the depreciated funds in the treasury now unavailable, in such manner as they may deem most advantageous to the Commonwealth, and to place the proceeds, if any, to the credit of the Sinking Fund; and the Auditor General and State Depreciated funds to be sold.

State Treasurer Treasurer are hereby directed to close the accounts standing open on the books of their respective departments as unavailable deposit in the bank of the United States.

to close accounts with U. S. Bank.

Relief notes to be cancelled.

SECTION 98. That hereafter the receipts to the Sinking Fund to the amount that may be necessary to cancel the relief notes now in circulation, under the provisions of the act of the fourth of May, one thousand eight hundred and forty-one, and the re-issue under the act of tenth April, one thousand eight hundred and forty-nine, shall be and are hereby appropriated toward the cancellation of said notes in the following manner, to wit: It shall be the duty of the State Treasurer on the first day of June next, and at the expiration of every three months thereafter, until the whole amount of said notes shall have been cancelled, to ascertain the amount of money in the treasury due to the Commissioners of the Sinking Fund, and proceed to pay over to said Commissioners the amount so ascertained, in the most defaced and worn of the relief issues, which may be found in the treasury at such period: *Provided*, That in case the amount of relief notes found in the treasury shall not equal the sum due to said Commissioners at the expiration of the aforesaid periods, then and in that case the balance so due shall be paid into the Sinking Fund by said officers, to be invested in State stock, in the manner prescribed by the law creating said fund.

Provided.

Relief notes cancelled.

SECTION 99. That the State Treasurer and said Commissioners shall keep an accurate account of the relief notes so paid over, their denomination, the name of the banks by which issued, and the amount issued by each, and whereupon, the Auditor General at the time said notes are so delivered, and in the presence of the aforesaid officers, shall proceed to cancel and destroy the same.

Aud. Gen. to ascertain amount of issues.

SECTION 100. That it shall be the duty of the Auditor General to ascertain the amount of the issues of each bank in said notes which may be outstanding on the first day of June next, and at the expiration of each period of cancellation, to inform the officers of the banks respectively of the amount and denomination of their notes which have been cancelled, as provided in the foregoing sections of this act.

Banks to cancel excess of issues.

SECTION 101. That if it shall appear in the course of the cancellation of said issues, that a greater amount of said notes shall have been put in circulation by any bank than the sum authorized to be issued for the use of the State, in all such cases the banks issuing the same, on being notified of the fact by the Auditor General, shall proceed to cancel said notes as fast as they may be offered at their business office, and any attempt to put said notes in circulation after such notice, shall subject the officers of such bank to all the penalties provided for in act of the General Assembly, passed the sixteenth April, Anno Domini one thousand eight hundred and fifty, entitled "An Act to prohibit the circulation of notes under the denomination of five dollars," and in all cases where the amount authorized to be issued for the use of the State shall have been cancelled as aforesaid, it shall be the duty of the State Treasurer to refuse to receive said excess issues for debts due the State; when the amount of notes presented for cancellation shall not equal the amount issued for the use of the State, such deficiency shall be regarded as the usual waste in the use of said notes, and shall enure to the benefit of the State.

Banks not to pay out relief issues after June 1, 1855.

SECTION 102. That from and after the first day of June, one thousand eight hundred and fifty-five, it shall not be lawful for any bank in this Commonwealth to pay out said notes at their counter, or use them in any manner in the transaction of their business, nor shall county treasurers, toll collectors, or any other receiving officers of the

government pay out said notes, but they shall cause them to be delivered to the State Treasurer, who shall receive them for debts due the Commonwealth, or redeem them in par funds, and shall cause them to be cancelled and destroyed, in the manner provided in the foregoing sections of this act.

SECTION 103. That so much of any act or acts as is hereby altered or supplied, be and the same is hereby repealed. Repealing clause.

W. P. SCHELL,
Speaker of the House of Representatives.

JOHN C. KUNKEL,
Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 346.

AN ACT

To incorporate the Warrior Run Presbyterian Church and Congregation, in Delaware township, Northumberland county; authorizing the borough of Milton to subscribe to the capital stock of the Catawissa, Williamsport and Erie Railroad company; and the borough of West Chester to subscribe to the West Chester and Philadelphia Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the Warrior Run Presbyterian Church and Congregation, in Delaware township, Northumberland county, Pennsylvania, citizens of Pennsylvania, be and they are hereby created into one body politic and corporate, in deed and in law, by the name, style and title of "The Warrior Run Presbyterian Church," and by the same name have perpetual succession, and be able to sue and be sued, to plead and be impleaded, in all courts of law or elsewhere, and shall be able and capable, in law and equity, to take and to hold, to them and their successors, for the use of said church, all lands, tenements, goods and chattels, of whatsoever kind, nature or quality, real, personal or mixed, which now are or shall hereafter become the property of the said church or congregation, by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage or dispose of, for the use of said church and congregation: *Provided*, That the yearly value or income of the said estate shall not at any time exceed three thousand dollars, exclusive of annual stated contributions.

Warrior Run
Presbyterian
church & con-
gregation incor-
porated.

Privileges.

Proviso.

SECTION 2. That no misnomer of said corporation or their successors, shall defeat or annul any gift, grant, devise or bequest, to or from the said corporation: *Provided*, The intent of the party or parties shall not be annulled.

Proviso.

sufficiently appear upon the face of the gift, grant, will or other writing whereby any estate or interest was intended to pass to or from the said corporation.

Trustees.

SECTION 3. That the business of the said congregation shall be conducted by a board of trustees, not less than three nor exceeding six in number, all to be chosen annually, from the male members of the congregation of not less than six months' standing, nor under twenty-one years of age, two-thirds of whom shall be chosen from communicants in the church in good and regular standing, and until others shall be elected the present trustees of the congregation, William B. Irwin, Aaron Gaston, and David Wilson, shall be trustees of the incorporation until the last Monday of March, Anno Domini one thousand eight hundred and fifty-four, on which day the said congregation hold its annual meetings, and on said day shall elect three persons to serve as trustees, one of whom shall serve three years, one of them two years, and one of them one year, and on the same day annually thereafter elect one person as trustee, to continue in office for three years: *Provided*, That in case of vacancy by death or otherwise, the session of the church shall have power to fill such vacancy until the next election, and any pew-holder or part pew holder, paying annually his or her pew rent, shall be entitled to vote for trustees.

Proviso.

Officers.

SECTION 4. That the said trustees and their successors shall choose by ballot from among their number a president and secretary, and shall also choose a treasurer, who shall be a member of the congregation, and who shall, if required by the trustees, give security for the faithful performance of the trust reposed in him, and shall have his accounts annually audited and settled by the trustees, and account to them for all sums of money received by him or remaining in his hands at any time, and in case of the removal of the president, secretary or treasurer, by death, resignation, or otherwise, the vacancy or vacancies in said offices shall be supplied by the remaining trustee or trustees, until the next annual election.

Vacancies how supplied.

Seal.

By-laws.

SECTION 5. That the said trustees and their successors shall have full power to make and use one common seal, and the same to alter and renew at pleasure, and to enact and enforce such by-laws and ordinances as may be proper and necessary for the regulation and transaction of the business of the corporation, to change the time of holding the annual meeting for electing trustees from time to time, as they may find convenient, and also to increase the number of trustees to any number not exceeding six, and in case of such increase, the elections shall be held at such times and shall be conducted in such manner as may be prescribed by the by-laws, and if the congregation neglect to elect at the annual meeting the said trustees, or any one of them, to appoint any subsequent time on which said election shall be held: *Provided*, That previous notice be given of said meeting from the pulpit or clerk's desk, or in any other way that a majority of the trustees shall direct, at least ten days before such meeting, and that on failure to elect as aforesaid, on any day appointed, the corporation shall not be dissolved thereby, but the election shall be held as hereinbefore provided: *And provided also*, That the said by laws and ordinances shall not be inconsistent with the laws of this State or of the United States: *And provided further*, That the said corporation shall not dispose of, alien, sell, or in any way encumber the real estate belonging to said church and congregation, unless with the consent of the session of the church.

Proviso.

Proviso.

Proviso.

Powers and privileges.

SECTION 6. That no enumeration of powers, privileges and duties herein contained, shall be so construed as to exclude others not enu-

merated, which are necessary to the proper fulfilment of the design and purpose of this corporation, and not inconsistent with the express provisions and limitations thereof, or of the Constitution and laws of this Commonwealth or of the United States.

SECTION 7. That the common council of the borough of Milton, in the county of Northumberland, be and they are hereby authorized and empowered to subscribe for shares to the capital stock of the Catawissa, Williamsport and Erie railroad company, not exceeding twenty-five thousand dollars, and to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed, by the assessment and collection of such tax as may be necessary for that purpose, and the certificates of loan to be issued by said borough for the purpose aforesaid, may be received by the said Catawissa, Williamsport and Erie Railroad company in payment of installments on shares subscribed by said corporation, on such terms as shall be agreed upon between said company and said borough: *Pro- Borough of Milton authorized to subscribe to stock.*
vided, That no bond shall be issued for a less amount than one hundred dollars: *And provided further*, That the bonds aforesaid shall be taken by said Catawissa, Williamsport and Erie Railroad company at their par value, and an amount of stock delivered to the said council equal to the amount of the bonds received, and that the said company pay the interest on the said bonds as it accrues, until the full and entire completion of said road: *And provided also*, That the said road terminate or pass through the said borough, or that its terminus be fixed by law within the limits of said borough: *And provided*, That the said subscription shall not be made until the votable inhabitants of said borough shall first approve of said subscription by a majority of their votes, at an election which shall be called and held for said purpose by the burgesses, and which shall be conducted according to such rules as the said burgesses shall establish. *Proviso.*

SECTION 8. That the chief burgess of the borough of West Chester is hereby authorized to subscribe in behalf and in the corporate name of said borough, four hundred shares to the capital stock of the West Chester and Philadelphia Railroad company; and further, that the said burgess and the assistant burgesses, in council assembled, are hereby authorized and empowered, for the purpose of carrying into full effect the objects of this act, to borrow any sum or sums of money not exceeding twenty thousand dollars, in the name and upon the faith, credit and responsibility of the said borough, and from time to time as may be necessary, to pay the interest thereon, and to redeem the principal, at such time and in such manner as may be conformable to the terms upon which the same shall have been taken: *Provided*, That no bonds shall be issued by said borough of West Chester of a less denomination than one hundred dollars: *And provided*, That the said subscription shall not be made until the votable inhabitants of said borough shall first approve of said subscription, by a majority of their votes, at an election to be called and held for said purpose by the burgesses; at least two weeks' public notice to be given, and to be conducted according to such rules as the said burgesses shall establish. *Borough of West Chester to subscribe stock. Proviso.*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 347.

AN ACT

Repealing a portion of an act incorporating the Allentown Railroad company; relative to the Muncy Creek Plank Road company; to incorporate the Masonic Hall Association of the district of Richmond, in the county of Philadelphia; to Executions issued in the city and county of Philadelphia; and appointing Commissioners to review part of a State road laid out from P. nasbury, Chester county, to a point on the State road leading from West Chester to Philadelphia.

Part of certain
act repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That That so much of the second section of an act entitled "An Act to incorporate the Allentown Railroad company," approved April, eighteen hundred fifty-three, as authorizes any incorporate city or borough to subscribe to the stock thereof, be and the same is hereby repealed.

Provisions of
certain act ex-
tended.

SECTION 2. That the provisions of the ninth section of the act of Assembly approved the eighth day of April, A. D., one thousand eight hundred and fifty-one, entitled "An Act fixing the rate of tolls to be charged by the Larry's Creek Plank Road company," be and the same is hereby extended to the Muncy Creek Plank Road company.

Corporators.

SECTION 3. That Stephen Taylor, Marcus S. Bulkley, Henry Mather, Andrew Hague, Edward C. Graeff, Edward L. Spain, Andrew C. Naclain, Abraham Lungebartel, John Pace, Hugh M. Boyd, John Beenken, Thomas Farrell, Robert S. Davis, Oliver Evans, Charles Dixey, Richard H. Slatter, Henry Christian, George Krick, Thomas H. Riley, Frederick A. Phipps, Craig Cauffman, William B. Bernard, and their successors, and all persons who now are or may hereafter be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Masonic Hall Association of the district of Richmond, in the county of Philadelphia," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, and elsewhere, and shall be able and capable in law and equity to take and hold, to them and their successors, either by grant, gift, devise, lease, or otherwise, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of the said association, and also to take and hold, for the use of the said association, any goods and chattles, sum or sums of money, by gift, grant, bargain, sale, will, devise, bequest, or otherwise, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell, for the use of the said association, and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the affairs of the said association: *Provided*, That the real estate of the said association shall not exceed the net yearly income of five thousand dollars.

Masonic Hall
Association,
Richmond.

Privileges.

Proviso.

Object.

SECTION 4. That the object of said corporation shall be to provide, erect, and furnish a hall or suitable building or buildings in the said

district, for the accommodation of Masonic and other beneficial associations, established or to be established there, as well as suitable for public and business purposes generally.

SECTION 5. That it shall and may be lawful for the said corporation Seal. to have a common seal, and the same at will and pleasure to change, alter and renew, as they shall think proper, and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted, and as herein expressed.

SECTION 6. That the capital stock of the said association shall be Capital stock. ten thousand dollars, to be subscribed for in shares of ten dollars each, to be paid in installments, of such amounts and at such times as the stockholders by a vote of the majority at their first meeting may direct and appoint, and the parties herein named are hereby empowered and authorized to open books and receive subscriptions for stock in the said association, and when three hundred shares shall have been subscribed, to call a meeting of the stockholders, for the purpose of adopt- Organization. ing such laws and regulations as may be expedient and necessary for the well-being and government of the association, notice of the time and place of holding said first meeting to be given by advertisement, at least twice a week for two successive weeks, in two daily newspapers to be published in the city or county of Philadelphia.

SECTION 7. That the government of the said Masonic Hall Associa- Trustees. tion, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected at such time and in such manner as the said association shall by its by-laws provide, and at the first meeting of the trustees after their election in each year, they shall elect a president, secretary and treasurer.

SECTION 8. That the trustees shall have power and authority to By-laws. make by laws, conformable to this charter and not in violation of the laws of the United States or of this Commonwealth.

SECTION 9. That all executions issued in the city and county of Executions in Philadelphia, levied upon real estate acquired subsequently to a judgment Philadelphia, on against the owner thereof, may on application of the execution creditor, real estate. be certified by the officer making such levy to the office of the court from which such execution issued; it shall be then docketed on the judgment index, and thenceforth bind such real estate for five years, like any other judgment, and unless such levy be so certified and indexed, it shall be no lien on such real estate.

SECTION 10. That Charles Downing, John T. Worthington, and Commission- Menshell Painter, be and the same are hereby appointed commissioners to review a to review a state road. to review a state road. county, to a point in the State road leading from West Chester to Philadelphia, beginning at Cheney's shops, and embracing that portion of the road lying between the said Cheney's shops and the street road; it shall be the duty of said commissioners or a majority of them, first taking an oath or affirmation before some justice of the peace to perform the duties enjoined on them by this act with impartiality and fidelity, to proceed as soon after the passage of this act as convenient, to review that part of said road beginning and ending as aforesaid, and alter and change the same as they shall deem expedient, and also to vacate any part or parts of said road that shall or may be supplied or rendered useless by the aforesaid alteration, and the said road shall thenceforth become a public highway, under all the regulations and provisions of the act authorizing the laying out of the said road: *Provided*, The ver- Proviso. tical departure from a horizontal line shall not exceed five degrees,

except the crossing of streams and ravines, whereby reasonable allowance shall be made for cutting and filling.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twentieth day of April, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 348.

AN ACT

Authorizing School Directors to administer oaths; changing the name of Broad Mountain Improvement company; to lay out a State road from Schellsburg, in Bedford county, to the west end of the Harrisburg bridge, in Cumberland county; repealing the third section of an act to incorporate the Passhalville Fire company, &c.; relative to School Directors in certain townships in Philadelphia county; changing the name of the Fletcher Grays; relative to Road Tax in M'Kean county; authorizing the Old Columbia Public Ground company to borrow money; relative to the Philadelphia and Lancaster Turnpike Road company; relative to Oxford street, in Philadelphia county; to fees of Justices of the Peace in Allegheny county; laying out a State road in Beaver county; authorizing the Pittsburg and Steubenville railroad company to borrow money; and to authorize John Lentz to sell certain real estate.

School directors
authorized to
administer
oaths.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the president or any member of any board of school directors, are hereby authorized to administer oaths or affirmations in any case where it is necessary, to qualify teachers their accounts, except the city and county of Philadelphia.

Red Mountain
Improvement
company, name
changed.

SECTION 2. That from and after the passage of this act, the Red Mountain Improvement company shall be named instead thereof The Broad Mountain Improvement company, with all the powers, privileges and authorities they had under their former name, and be subject to all the restrictions and liabilities to which they were subject under the same.

Donaldson Im-
provement and
Railroad co.,
name changed.

SECTION 3. That from and after the passage of this act, the Donaldson Improvement and Railroad company shall be named instead thereof the Donaldson Improvement company, with all the powers, privileges and authorities they had under their former name, and be subject to all the restrictions and liabilities to which they were subject to under the same.

Commissioners
to lay out a pub-
lic road in Bed-
ford county.

SECTION 4. That George Keith, E. S. Plowman, Huntingdon county, and Levi Evans, Bedford county, be and they are hereby appointed commissioners to view and lay out a public road from Hopewell iron works, in Bedford county, to the south side of Juniata river, at a point opposite Mill Creek, in Huntingdon county.

SECTION 5. That it shall be the duty of said commissioners, or a majority of them, after taking and subscribing an oath or affirmation before some qualified officer of the peace, to perform the duties enjoined on them by this act with fidelity and impartiality, to carefully view the ground over which the said road may pass, and lay out the same as near to a straight line from point to point as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no place exceed five degrees. Duties of commissioners.

SECTION 6. That it shall be the duty of said commissioners plainly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties by this act enjoined, the said commissioners are hereby authorized to employ one competent surveyor, at a per diem allowance of two dollars, and two chain carriers and one axeman, at a per diem allowance not exceeding one dollar, and the said commissioners respectively shall receive a per diem allowance of one dollar and fifty cents for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in the manner and form hereinafter directed. Route to be marked out. Compensation.

SECTION 7. That the said commissioners shall proceed to view and lay out said road on or before the first day of September, Anno Domini one thousand eight hundred and fifty-three, and complete the location of said road as soon as practicable, and make out a fair draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, one copy whereof to be deposited in the office of the Secretary of the Commonwealth, as soon as the survey and draft are completed, and one copy in the offices of the clerks of the courts of the respective counties in which said road may be laid out, as aforesaid, and said road shall to all intents and purposes be a public highway, and shall be opened to the breadth and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid. When road to be laid out. Draft of location to be made.

SECTION 8. That the account of said commissioners for their own pay and the pay of their surveyor, chain carriers, axeman, et cetera, shall be made out and returned to the commissioners of the counties in which said road may be laid out, in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties, on warrants drawn in the usual way. Commissioners how to be paid.

SECTION 9. That in case any vacancy in said board of commissioners should occur, by resignation or otherwise, it shall be filled by the majority of said commissioners, or appointment by the judges of the court of quarter sessions of the county in which said person or persons causing said vacancy shall have resided. Vacancies how supplied.

SECTION 10. That it shall be the duty of the supervisors of the several townships through which said road shall pass, upon notice given, to proceed at once and open and make the said road, as other roads are made. Duties of street supervisors.

SECTION 11. That the Huntingdon, Cambria and Indiana Turnpike Road company, or their sequestrator, shall keep in good repair the bridge over the Juniata river at the west end of Huntingdon, if the amount shall not exceed in any one year the sum of sixty dollars. Bridge over Juniata at Huntingdon.

SECTION 12. That the third section of an act entitled "An Act to incorporate the Darby and Paschalville Fire company, and repealing an act relative to certain duties to be performed by the commissioners of co. Darby and Paschalville Fire company.

Clarion county," approved the fourth day of February, one thousand eight hundred and fifty three, be and the same is hereby repealed.

Richmond school district, relative to directors of,

SECTION 13. That the directors of that portion of the eleventh section school district of the Commonwealth of Pennsylvania, comprising the district of Richmond, the boroughs of Bridesburg and Aramingo, and the township of the unincorporated Northern Liberties, shall appoint three persons to serve as school directors, to serve until the third Friday of March one, thousand eight hundred and fifty-four, and the persons so appointed shall be residents of the district of Richmond.

Fletcher Grays, name changed. Proviso.

SECTION 14. That from and after the passage of this act, the Fletcher Grays, a volunteer infantry company, in Philadelphia county, shall hereafter be called the Worth Guards: *Provided*, That all acts done under the former name of the Fletcher Grays, shall not be effected in any manner by this act, and the said corps shall enjoy all the advantages in point of date or age, as if this act had not been passed; and to change the name of the second company, State Fencibles, to City Fencibles, by which name they shall have all the powers, rights and privileges which they have heretofore had under their original name.

State Fencibles, name changed.

Road tax, M'Kean county.

SECTION 15. That every person chargeable with a road tax in the county of M'Kean, shall be liable to pay a tax of one dollar, to be worked out, or paid as is now provided by law, for road purposes.

Columbia public ground co., may borrow money.

SECTION 16. That the managers of the old Columbia Public Ground company, in the borough of Columbia, Lancaster county, have power to borrow money, not exceeding six thousand dollars, and to buy land, for the purpose of erecting an academy or school, and to appropriate a portion of the rents of said company to said academy or school.

Provisions of certain act extended.

SECTION 17. That the provisions of the law entitled "An Act regulating Turnpike and Plank Road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, be and are hereby extended to the Philadelphia and Lancaster Turnpike company.

May borrow money.

SECTION 18. That it shall and may be lawful for the said Philadelphia and Lancaster Turnpike company, in order to lay down a plank track or tracks upon such portion of the road as may be deemed expedient, to borrow at a rate of interest not exceeding six per centum, any sum of money not exceeding thirty thousand dollars, and to issue bonds for the same, in sums of not less than one hundred dollars, and for no fractional part of one hundred dollars, payable at such time as they may determine.

Oakford street Moyamensing.

SECTION 19. That so much of the act entitled "An Act for the extension of a State road from the Virginia State line, near the town of Blacksville, in the town of Waynesburg, in Greene county, and for other purposes," approved the ninth day of April, one thousand eight hundred and forty, as authorizes the laying out of Oakford street in the district of Moyamensing, county of Philadelphia, from Schuylkill Fifth street to Broad street, be and the same is hereby repealed.

Act relative to fees of justices. &c, in Pittsburg, extended to mayor.

SECTION 20. That the provisions of the fourth section of the act of fifth day of April, A. D. one thousand eight hundred and fifty, relating to the fees of justices of the peace in Allegheny county, and the aldermen of the city of Pittsburg, be and the same are hereby extended to the mayor of the city of Pittsburg and the mayor of the city of Allegheny.

Commissioners to lay out a state road in Beaver county.

SECTION 21 That from and after the passage of this act, R. E. M'Gowan, James Cooper, and Francis Hoops, be and they are hereby made commissioners to view and lay out, under all the provisions and

restrictions of an act entitled "An Act authorizing the laying out of a State road from New Brighton in Beaver county, to Allegheny city in Allegheny county, and for other purposes," approved the third day of April, A. D. eighteen hundred and fifty-one, a State road from a point number one hundred and nine on the farm of George Cruse, to a point at a post on the farm of Doctor Joseph Linenbrink, in Beaver county, with power to alter, change or vacate any part or all of State road between the said point above designated which has been heretofore laid out.

SECTION 22. That the Pittsburgh and Steubenville Railroad company Pittsburgh and Steubenville Railroad co., may borrow money. be and the same is hereby authorized to borrow money, not exceeding five hundred thousand dollars, and to issue bonds therefor, of not a less denomination than one hundred dollars, and to secure the payment of the principal and interest on said bonds, if they shall deem it expedient, by a mortgage or mortgages upon the road and property of the said company: and that the city of Philadelphia is hereby authorized to subscribe for four thousand shares in the capital stock of the Pittsburgh and Steubenville Railroad company, and to borrow money to pay therefor, and to make provisions for the payment of the principal and interest of the money so borrowed, as in other cases of loans to said city, or payment for said shares may be made in stock by said city, and in such mode as shall hereafter be agreed upon by said city and said Pittsburgh and Steubenville Railroad company, and the said city may be represented at elections and other meetings of said company by agents, duly authorized to act by resolution of the councils thereof: *City of Philadelphia authorized to subscribe to stock of said company.* *Provided,* That no bond shall be issued for a less sum than one hundred dollars. *Provido.*

WHEREAS, By an indenture dated the thirty-first day of May, A. D. one thousand eight hundred and thirty-one, duly acknowledged and recorded in the office for recording deeds, &c., for the city and county of Philadelphia, in deed book A. M., number fourteen, page one hundred seventy-five, Philip Peltz, John Lentz, and Richard Peltz, became seized in fee of all those three frame tenements and lot or piece of ground, situated on the north side of Christian street, between Delaware Third and Fourth streets, in the district of Southwark and county of Philadelphia, containing in breadth on the said Christian street thirty nine feet, and in length or depth one hundred and three feet seven and one-half inches on the east line of said lot, bounded eastward by ground belonging to the Methodist Society, northward by ground of Jacob Reinhard, westward by grounds belonging to the Sixth Presbyterian church, and southward by Christian street aforesaid, in trust nevertheless to and for the uses, intents and purposes following, that is to say: the rents, issues and profits of said messuages, tenements, and lot or piece of ground, to be paid to Rebecca Enue during her life, and from and after her decease, the said messuages, tenements and lot or piece of ground to vest in the heirs of the said Rebecca Enue, according to the law of decent in this Commonwealth of Pennsylvania: *Preamble.*

Whereas, The said Rebecca Enue has, by deed made the sixteenth day of October, A. D. one thousand eight hundred and forty-nine, duly acknowledged and recorded in the aforesaid office, in deed book G W C. number twenty-six, page four hundred and thirty-one, released unto Rebecca Enue, junior, and her heirs, for and during the natural life of the said Rebecca Enue, senior, all her lifetime interest, claim and estate in and to all the above mentioned messuages, tenements and lot or piece of ground: *Preamble.*

Preamble.

Whereas, The said Rebecca Enue, senior, who is still living, has had issue, to wit: Rebecca Enue, junior, and Margaret Enue, which said Margaret Enue, intermarried with William R. B. Selby, hath lately deceased, leaving her surviving her said husband, William R. B. Selby, and issue, three children, to wit: Henry Clay Selby, Rebecca Enue Selby, and Martha Robbins Selby, to which minors Rebecca Enue has been appointed guardian by the orphans' court of the city and county of Philadelphia:

Preamble.

Whereas, The said Philip Peltz and Richard Peltz have since the execution of the above recited deed of trust, deceased, leaving them surviving in the said trust, the said John Lentz, who is desirous of being released from the burthen and responsibility of the said trust, and the parties in interest are agreed thereto:

Preamble.

Whereas, It is now ascertained and believed that it is not for the benefit of the parties in interest that the aforesaid mentioned messuages, tenements and lot or piece of ground should be retained, and that the moneys arising from the sale thereof can be re-invested more advantageously for the benefit of those interested therein, under and subject to the same conditions and provisions as in the first above recited indenture are contained, which all the parties interested are desirous of having done:

Preamble.

And whereas, There is no power given in the said first above recited indenture to the said trustees, or the survivors or survivor of them, to sell and convey the said premises, or any part thereof:

John Lentz,
trustee, author-
ized to sell cer-
tain real estate
in Southwark,
Phila. co.

SECTION 23. *Be it enacted, &c.*, John Lentz, surviving trustee as aforesaid, or the trustee or trustees for the time being, under the first above recited indenture, be, and he and they are hereby authorized, with the consent of the said Rebecca Enue, junior, and Rebecca Enue, guardian as aforesaid of the said above named minors, or whoever may be such guardian for the time being, testified by their becoming parties thereto, to sell the said messuages, tenements and lot or piece of ground, with the appurtenances or any part thereof, either at public or private sale, for the best price that can reasonably be obtained for the same, in fee, and to make and execute a good and sufficient deed or deeds of conveyance, or other assurance or assurances in the law for the same, to the purchaser or purchasers thereof, free from and discharged of every trust, and without any obligation or liability on the part of such purchaser or purchasers thereof to see to the application of the purchase money, and that the moneys to be received from such purchaser or purchasers, shall be paid to the said Rebecca Enue, senior, guardian as aforesaid, or to whoever may be such guardian for the time being, whose receipt alone for such consideration money or moneys shall be a full and sufficient discharge and acquittance to such purchaser or purchasers: *Provided*, That before the said guardian shall receive the whole or any part of the consideration money to be received from the purchaser or purchasers at any sale or sales of the aforementioned messuages, tenements and lot or piece of ground, he or she shall give security in the orphans' court for the city and county of Philadelphia, to be approved of by the said court, conditioned for the investment of the said consideration money or moneys paid on the sale or sales of the said premises, or any part thereof, for the same uses, trust, purposes, estates and persons, as are declared, mentioned and set forth in the said first above recited indenture of and concerning the said messuages, tenements and lot or piece of ground, and in case of the inability of the said guardian to give such security, the said orphans' court may invest the investment of such consideration money or moneys in such security or securities as they

Provided.

may see fit, subject to said trusts, to all intents and purposes, and for the estates and persons as aforesaid, and subject to their direction and control: *And provided*, That before the execution and delivery of any deed or deeds, or other assurance or assurances in the law to the purchaser or purchasers for the said messuages, tenements, and lot or piece of ground, or any part thereof; the said sale or sales shall be approved and confirmed by the orphans' court aforesaid.

W. P. SCHELL,
Speaker of the House of Representatives.

JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The twentieth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 349.

AN ACT

To incorporate the Shade Gap and Burnt Cabins Turnpike or Plank Road company; relative to the Huntingdon and Broad Top Mountain Railroad and Coal company; authorizing the trustees of John Savage, deceased, to subscribe to the capital stock of said company; to the election of Trustees of the Allegheny Male and Female Seminary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Nathaniel Kelly, Frederick Dubbs, William Pym, Thomas Todhunter, Michael Whilt, W. L. Cline, David Welch, James Kelly and Joseph Woods, of Fulton county, and Brice Blair, William Clyman, Thomas Sisney, Thomas Neely, Isaac Taylor and J. S. Shade, of Huntingdon county, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name, style and title of the "Shade Gap and Burnt Cabins Turnpike or Plank Road company," with power to locate and construct a turnpike or plank road from the Shade Gap in Huntingdon county, to Burnt Cabins, in Fulton county, in the county of Huntingdon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

SECTION 2. That the capital stock of said company shall consist of ten thousand shares at twenty-five dollars per share: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road, according to the true intent and meaning of this act.

SECTION 3. That whenever the said company shall have completed said road, they shall have power to erect toll gates and receive the same tolls.

tolls per mile as are allowed by the twelfth and thirteenth sections of the aforesaid act, approved the twenty-sixth day of January one thousand eight hundred and forty-nine.

Commencement and completion of road. SECTION 4. That if the said company shall not commence the construction of said road within three years, and complete the same within six years from the passage of this act, then this act shall be null and void, except so far as may be necessary to settle up and pay the debts of said company.

Broad Top Mountain railroad and Coal company may extend road. SECTION 5. That the Huntingdon and Broad Top Mountain Railroad and Coal company shall have full power to locate, construct, and extend their railroad to a point at or near the borough of Bedford, or at or near any other point in the county of Bedford, and the said company shall have power to increase their capital stock, and to create and sell the bonds, so as to meet their wants in the construction of the said

Proviso. extension of their railroad: *Provided*, That no obligation or certificate of loan hereby authorized to be executed, shall be for a less sum than one hundred dollars.

May sell and dispose of bonds. SECTION 6. That it shall be lawful for said company to sell or dispose of their bonds which it may issue in any case in which they are authorized to borrow money, at such prices and in such manner as they may deem expedient, and that the provisions of the eleventh section of an act entitled "An Act to incorporate the Liberty Fire company of Holmesburg, in the county of Philadelphia," approved the twenty-sixth day of July, eighteen hundred and forty-two, which authorizes railroad or canal companies to borrow money at rates exceeding six per cent. per annum, be and the same shall be extended to the Huntingdon and Broad Top Mountain Railroad and Coal company.

May elect three additional directors. SECTION 7. That the president and directors of the Huntingdon and Broad Top Mountain Railroad and Coal company shall have power, at a meeting called for that purpose, to elect three additional directors for said company, who shall be qualified according to law, and who shall continue in office until the next annual election for officers of said company: *Provided*, That a quorum shall consist of seven members, if the said president and directors shall determine to elect the said three additional directors.

Provisions of certain act to apply to this company. SECTION 8. That the fourth, fifth and sixth sections of the act entitled "An Act regulating Railroad companies," approved nineteenth February, A. D., eighteen hundred and forty-nine, are hereby made applicable to the said Huntingdon and Broad Top Mountain Railroad and Coal company.

Trustees of J. Savage, authorized to subscribe to stock. SECTION 9. That George Rundle and William Griffith, of Philadelphia, trustees of the estate of John Savage, are hereby authorized and empowered to subscribe to the capital stock of the Huntingdon and Broad Top Mountain Railroad and Coal company, to an amount not exceeding ten thousand dollars.

Allegheny male and female seminary, trustees. SECTION 10. That the act entitled "An Act incorporating the Allegheny Male and Female Seminary, approved the twenty-sixth day of March, A. D., eighteen hundred and fifty-three, shall be so construed that at least five of the trustees who are to be elected shall be members of the Methodist Episcopal church.

W. P. SCHELL,

Speaker of the House of Representatives.

JNO. C. KUNKEL

Speaker of the Senate.

APPROVED—The twentieth day of April, eighteen hundred fifty-three.

WM. BIGLER.

No. 350.

AN ACT

To incorporate the District of Penn Literary and Scientific Institute, in the county of Philadelphia; extending the time for completing the Limerick and Colebrookdale Turnpike road; relative to the Swatara Railroad; and relative to the Richborough and Feasterville Turnpike Road Company; confirming the title of John F. Cowan to certain lands in Potter county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons who are now or may hereafter become members of "The District of Penn Literary and Scientific Institute," in the county of Philadelphia, according to the terms of the constitution thereof, are hereby created a body politic and corporate, in deed and in law, and by the name of "The District of Penn Literary and Scientific Institute." shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in any court of law or elsewhere, and shall be able to receive, take, have, hold and enjoy, to them and their successors, for the use of the said institute, any estate in lands, messuages, tenements and hereditaments, goods, chattels, moneys or effects, of what nature soever, by gift, grant, bargain, sale, assurance, devise or bequest, from any body corporate or persons whatsoever, and the same or any part thereof to sell or dispose of at pleasure, and to make, have and use a common seal, and to break, alter and renew the same at pleasure, and generally to do all and every other matter or thing which any corporation or body politic lawfully may or can do, to carry into effect the object and purposes set forth in the constitution hereinafter contained: *Provided*, That the clear yearly income or profits of all the estate had and enjoyed by the said institute, shall not exceed the sum of four thousand dollars: *And provided further*, That nothing herein contained shall be so construed as to give said corporation banking privileges.

SECTION 2. That the first, third, fourth, fifth, sixth, seventh, eighth and ninth articles of the constitution of the District of Penn Literary and Scientific Institute, which are inserted in this section, shall be deemed and taken as a part of this act, to all intents and purposes, and the second article thereof shall be and remain subject to such alterations and amendments from time to time, touching the amount required to constitute membership, as may be deemed expedient by a vote of two-thirds of the members present at any annual or special meeting of the institute: *Provided*, That notice of the proposed alterations or amendments be given by posting the same in the reading room for one month previous to the meeting.

SECTION 3. That the officers and managers of the District of Penn Literary and Scientific Institute now acting, viz: Honorable George M. Stroud, president, Jacob D. Sheble, vice president, Joseph Wood, treasurer, Alexander C. Coyle, secretary, and George H. Mitchell, Joseph S. Silver, Doctor J. Henry Smaltz, George Williams, Isaac Ashmead, Lawrence Peterson, John S. Yardley, Nathan W. Ellis, Jesse A. Burrows, John M. Melloy, Edmund Dingee, William H. Jackson, Edward Gratz, Henry Haines, Alexander Cummings, John

Lambert, Aaron P. Bilyeu, Nathan Nathans, John L. Griffis, Thomas Hope Palmer, Edward T. Tyson, William Wagner, Francis Newland and George A. Binder, the board of managers of the institute hereby incorporated, until the stated annual meeting of the institute, as provided for in the fourth article of said constitution.

Constitution.

CONSTITUTION.

ARTICLE I.—*Name and Object.*

SECTION 4. That the name of this association shall be the "District of Penn Literary and Scientific Institute," its primary object the promotion of the moral and intellectual improvement of young persons.

ARTICLE II.—*Membership.*

SECTION 1. That any person by paying two dollars annually, or twenty dollars at one time, as a life subscription, shall be entitled to membership in this institute, and to all its privileges, and any subscription of fifty dollars shall entitle the contributor to three life certificates, one for himself and the others for such persons as he may designate.

SECTION 2. That any member neglecting to pay his annual subscription for two years, and having received notice of the same from the secretary, shall forfeit his right to membership.

ARTICLE III.—*Officers.*

The officers shall be a president, vice president, treasurer, secretary, and twenty-four managers, who together shall constitute a board for the transaction of business, and shall report annually their proceedings to the institute.

ARTICLE IV.—*Meetings.*

The institute shall hold a stated meeting on the third Thursday in January in each and every year, when the annual report of the board of managers shall be read, and the officers and managers for the ensuing year shall be elected by ballot, but no members whose subscriptions are unpaid shall be entitled to a vote, or be eligible as officers or managers of the institute; special meetings shall be called by the president or vice president whenever requested by fifteen of the members, of which meetings at least three days' public notice shall be given in one or more newspapers published in the city or county of Philadelphia.

ARTICLE V.—*President.*

The president, or in his absence the vice president, or in the absence of both a chairman pro tem., shall preside at all meetings of the institute and of its board of managers, shall preserve order, and perform such other duties as appertain to his office.

ARTICLE VI.—*Treasurer.*

The treasurer shall receive and hold all moneys belonging to or paid into the institute, shall keep a correct account of the receipts and dis-

bursements, exhibit a statement of its funds annually, and oftener if required by the board of managers; he shall make no payments except on the order of the managers, signed by the president and secretary, and whenever required by the board, shall enter into an approved bond for the faithful performance of his trust.

ARTICLE VII.—*Secretary.*

The secretary shall keep fair and correct minutes of the proceedings of all meetings of the institute and its board of managers, preserve all papers and documents belonging thereto in his possession, keep a roll of the names of members and their residences, give notice of meetings, and perform all other duties required by his office.

ARTICLE VIII.—*Managers.*

The board of officers and managers, seven of whom shall constitute a quorum, shall hold stated meetings monthly, shall make their own by-laws, supply vacancies in their body, keep regular minutes of their proceedings, which shall be open at all times to the inspection of the members of the institute, shall establish a library and free reading room, appoint a librarian, purchase and receive such books, periodicals and papers for the library as they may think proper, provide for suitable lectures, and have power to devise and execute all measures which in their judgment will advance the interest of the institute, and carry out efficiently the objects of its organization, not inconsistent with this constitution; they shall also hold their offices until successors shall be elected.

ARTICLE IX.—*Library.*

The books, periodicals and papers belonging to the library and reading room, may be loaned at the discretion of the managers, to the members of the institute, and to such young persons as shall furnish satisfactory security for the payment of fines, in default of a punctual return of the volumes, and for any loss or injury that may be sustained in the book or books loaned; the reading room shall be kept open at such times and under such regulations as the managers may designate, for the free use of young persons, and the members of the institute.

ARTICLE X.—*Amendments.*

This constitution may be altered or amended at any annual or special meeting by two-thirds of the members present: *Provided*, That public notice of the intended alteration be given by posting the same in the reading room for one month previous to the meeting.

SECTION 4. That the time for completing the Limerick and Colebrookdale Turnpike Road, in Montgomery county, be and the same is Colebrookdale turnpike road. hereby extended until the year one thousand eight hundred and fifty-six.

SECTION 5. That the president and managers of the Swatara railroad, be and they are hereby authorized to extend their road from a point at or near Donaldson, and connect the same with the Susquehanna railroad, at a point near or opposite Selins Grove, and the said company may increase their capital stock to an additional amount not exceeding twenty thousand shares, at such time and in such manner as they may order and direct, for which purpose the said company shall

have the same powers, and be subject to the same restrictions, imposed upon the said company, as is provided for in their original act of incorporation, approved the second day of April, one thousand eight hundred and thirty-one, and its several supplements, to which this is a supplement.

Fire Department, Phila.

Judges to exercise certain powers in reference to.

SECTION 6. That from and after the passage of this act, the judges of the court of quarter sessions of the peace for the city and county of Philadelphia, shall be authorized in all cases arising under the first section of an act of assembly of this Commonwealth entitled "An Act for the better regulation of the Fire Department in the city and incorporated districts of the county of Philadelphia," approved the seventh day of March, A. D., eighteen hundred forty-eight, to rescind the order of the court made in such cases, and restore any company to actual service whenever the said court shall be satisfied that injustice has been done.

Richborough and Feasterville Turnpike Co., may sell road.

SECTION 7. That the president and managers of the Richborough and Feasterville Turnpike Road company be and they are hereby authorized to sell at public sale, and transfer to the purchaser or purchasers thereof, their road estate and corporate property, on such terms as may be agreed upon, and for such price as may be obtained for the same, the proceeds whereof to be applied first to the payment of the debts of the company, and the balance, if any, to be distributed pro rate among the stockholders: *Provided*, That the said president and managers shall give public notice of such sale, at least twenty days, in two newspapers published in the county of Bucks.

Proviso.

John F. Cowan, title to certain lands of not to be impaired.

SECTION 8. That the title of John F. Cowan, his heirs and assigns, in and to the lands purchased by him situate in Potter county, Pennsylvania, shall not in any way be impaired or effected by or on account of the said Henry Beckett, of whom he purchased, having been an alien at the execution of the indenture, but that the said John F. Cowan, his heirs and assigns, shall hold the said lands as fully and amply, to all intents and purposes, as if the said Henry Beckett had been a citizen of the United States at the execution of the said indenture.

W. P. SCHELL,

Speaker of the House of Representatives.

JOHN C. KUNKEL,

Speaker of the Senate.

APPROVED—The twentieth day of April, A. D., eighteen hundred and fifty-three.

WM. BIGLER.

No. 351.

AN ACT

To incorporate the Beneficial Saving Fund society of Philadelphia; relative to the Girard College for Orphans; and to a vacation of Turner's lane to Schuylkill Third street, in Penn district, Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Ewing, John Devereux, Francis Cooper, Jacob B. Lancaster, Corporators. Francis Tiernan, P. Brady, Mark Anthony Frenaye, Mark Devine, James M. Smith, Charles A. Repplier, Hugh O'Donnell, William V. Keating, James M'Cann, William Goolwin, Robert F. Walsh, William Whelan, Alfred C. Gibson, Henry Crilly, Michael Keenan, John Dimond, Charles Kelly, Cornelius Tiers, William Morgan, James J. Slevin, and Michael McGill, and their successors forever, be and they are hereby made a body politic and corporate in law, under the name, style and title of "The Beneficial Saving Fund society of Philadelphia," Style. and by that name shall have perpetual succession, and shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, and to do all such things as are incident to a corporation.

SECTION 2. That the above named persons shall be managers of the Managers. said "The Beneficial Saving Fund society of Philadelphia:" The said corporation shall have power from time to time to make by-laws, rules Powers. and regulations, relative to the election, duties, times of service, and By-laws. number of managers, and their successors, and the appointment of suitable officers and assistants; the said managers for the time being shall have power to direct and determine the manner, conditions and terms of receiving deposits, and the return and re-payment of the same when demanded by the depositors, and the investment in substantial securities of the amount in the custody of the corporation, and generally to do and execute all and singular such acts, matters and things, which to the said corporation shall or may appertain, and may be necessary for the purposes thereof, according to the object, provisions and conditions of this act, the articles and by-laws enacted from time to time by this corporation, and not being contrary to the Constitution and laws of this Commonwealth: *Provided,* That this act shall Proviso. not be construed to confer on the said corporation banking privileges of any kind whatever.

SECTION 3. That the said corporation shall be able and capable in Privilegea. law to purchase, receive, improve, and hold such real estate as to the managers may seem proper for the purposes of said corporation and for the security of the depositors, and the same to grant, bargain, sell, release, mortgage and dispose of, as to them may seem expedient, and to take, receive, hold, possess, enjoy and retain, all and all manner of lands, tenements, rents, stock, annuities, franchises and hereditaments, and any sum or sums of money, and any manner or portion of goods and chattels and effects, of what kind or nature soever, whether real, personal or mixed, by gift, grant, demise, bargain and sale, devise, bequest, testament, legacy, loan, deposit or advance, or by any other

Proviso.

mode of conveyance or transfer whatever : *Provided*, The amount of the deposits received by said corporation shall at no time exceed one million of dollars.

Officers not to be allowed to borrow money from society.

SECTION 4. That no manager, officer or agent of the said corporation shall be allowed, directly or indirectly, to borrow any money or moneys from the said saving fund society, nor shall the said society have, hold or purchase any bonds, notes or mortgages, or other securities, for the payment of money drawn, or endorsed by, or existing against any manager, officer or agent of the said saving fund society.

Right to annul act reserved.

SECTION 5. That if at any time the said corporation misuse or abuse any of the privileges granted by this act, or if it may appear that the said privileges are injurious to the citizens of this Commonwealth, the Legislature shall have power to revoke and annul them at any time they may deem the same expedient.

Orphan children in Girard College, Mayor, &c, of Phila. to bind out as apprentices.

SECTION 6. That the mayor, aldermen and citizens of Philadelphia, or such persons as they shall by ordinance direct and appoint, shall bind by indenture as apprentices, the orphan children in the Girard College for Orphans, in the manner, and upon the terms and conditions mentioned and contained in the act entitled "An Act relative to the Girard College for Orphans," approved the twenty-seventh day of February, one thousand eight hundred and forty-seven, to suitable persons within this Commonwealth, in suitable occupations, such as agriculture, navigation, arts, mechanical trades, and manufactures, as mentioned in the will of the late Stephen Girard.

Turner's Lane, Phila. co., part of to be vacated.

SECTION 7. That Turner's lane, from Columbia avenue to Schuylkill Third street, in the district of Penn, in the county of Philadelphia, be and the same is hereby vacated, and the title to the soil over which the same passes is hereby vested in fee simple in the several owners of grounds adjoining and fronting on the said lane respectively, each owner to have and to take one-half part thereof so far as his respective lot adjoins and fronts upon the said lane : *Provided*, That before closing the said lane, there shall be first opened and dedicated to public use, without expense to the county of Philadelphia, Schuylkill Third street southward to Columbia avenue, and Columbia avenue westward to Turner's lane aforesaid.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twentieth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 352.

AN ACT

To incorporate the borough of Jamestown; authorizing the Overseers of the Poor of the borough of Williamsport to erect a poor house; relative to a State road in Huntingdon and Mifflin counties; and to a State road in Clarion and Forest counties; to relieve from taxation certain property of Wm. Forest, deceased; and authorizing the President Judges of the tenth and fourteenth judicial districts to hold Special Courts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* James Campbell, senior, Sylvester Campbell, Thomas Sherboudy, Commissioners to survey and mark boundaries of borough of Jamestown, Richard Carr, and T. G. Moats, citizens of Greene township, Mercer county, are hereby appointed commissioners to survey and mark boundaries to a territory lying in the township of South Shenango, Crawford county, and Greene township, Mercer county, to include the village of Jamestown, to commence at the centre of the Jamestown and Greenville road, between the lands of Thomas Moorland and heirs of William Dowling; thence east along the south line of lands of said Dowling heirs, James Campbell and James M'Kinley; thence north from the south-east corner of James M'Kinley, along the tract line to the Crawford and Mercer county line; and from thence due north in a direct line to a point due east from the centre of a road leading from William Dowthett's; thence west along the centre of said east and west road, in a direct line to a point due north from the point of starting; due from thence due south to the place of beginning; that the said commissioners, or a majority of them, shall make a return of said survey to the Recorder of Mercer county, who shall record the same as evidence of said boundary, for purposes hereinafter mentioned, and the territory so designated to be called the borough of Jamestown, in the county of Mercer, and the same is hereby erected into a borough, to be called the borough of Jamestown, under and subject to all the provisions of an act entitled "An Act regulating boroughs," approved the third day of April, one thousand eight hundred and fifty-one: *Provided*, Article fourth in section third of said act, shall read "may publish in at least one newspaper, if such be printed in the proper county, or by not less than twelve written or printed advertisements, to be put up in the most public places in the borough, every enactment, regulation, ordinance, or other general law, at least ten days before the same shall take effect."

SECTION 2. That the inhabitants of said borough entitled to vote Officers. for members of General Assembly, having resided therein one month immediately preceding the election, shall on the third Friday of August next, and annually on the third Friday of May thereafter, or such time as may be fixed for the election of township officers within this Commonwealth, meet at the school house in said borough between the hours of one and six P. M., and elect for borough officers as provided in said act the third of April, one thousand eight hundred and fifty-one: *Provided*, That nothing in this act shall be so construed to prevent the qualified voters of Greene township from continuing to hold their town-

ship and general elections at the house of Jacob Moats, in the village of Jamestown.

Williamsport,
overseers of
poor.

SECTION 3. That it shall be lawful for the overseers of the poor of the borough of Williamsport, in the county of Lycoming, to purchase a farm, not exceeding one hundred acres of land, in said county, and to erect such buildings thereon from time to time as shall be found necessary for the comfortable accommodation of all paupers chargeable on said borough, and to employ such person or persons, and adopt such rules and regulations, as shall be found expedient for the proper control, regulation and management of such farm and paupers.

May assess
taxes.

SECTION 4. That it shall be lawful for the overseers of the poor of said borough, in accordance with the provisions of the laws providing for assessing taxes for the maintenance of the poor, to lay a rate or assessment not exceeding one cent. on the dollar at one time, upon all real and personal estates, trades and occupations, now taxable by law for county purposes, in said borough, and collect the same, for the purpose of carrying the provisions of the third section of this act fully into effect.

Town council to
appoint over-
seers.

SECTION 5. That it shall be lawful for the town council of the borough of Williamsport, immediately after the passage of this act, to appoint one additional overseer of the poor for said borough, and to appoint three overseers of the poor annually, at the usual time of appointing borough officers, to hold their appointments for one year.

Estate of Wm.
Forest, exempt-
ed from taxa-
tion.

SECTION 6. That all the estate, real and personal, held by or which may hereafter be held by the trustees of William Forest, late of the city of Philadelphia, for the education of poor children, and for other like charitable purposes, be and the same is hereby exempted from all city, county, poor and other taxes, excepting only the tax levied by the State for its own purposes: *Provided*, That it shall be the duty of the assessor of the proper district, to assess any of said property, and return the same, in the same manner as though this act had not passed.

Proviso.

State road in
Huntingdon and
Mifflin counties.

SECTION 7. That the authority of the commissioners appointed by an act approved the twenty-ninth day of March, one thousand eight hundred fifty-one, entitled "An Act authorizing the laying out of a State road from Petersburg, in Huntingdon county, to a point known as Brown's mills, in Mifflin county," be and the same is hereby renewed, enlarged and extended, so as to enable said commissioners to make a report, in accordance with the fifth section of said act.

Farmington tp.,
Clarion county.

SECTION 8. That the supervisors of the township of Farmington, in the county of Clarion, shall expend the road tax of all the land warrants adjoining the State road leading from Tylersburg, in Clarion county, to a State road at the Tionesta river, near Charles J. Fox's, in Forest county, or an amount equal thereto, upon said road, and that the supervisors, road commissioners, and path masters of the several townships through which said road is laid out, in the counties of Venango and Forest, are hereby required annually to expend thereon the road tax of all the land warrants that extend to within one mile of the said road, or an amount equal thereunto, in such a manner in the first place so as to make a bridle road the whole length of the road where it is not opened, which when done, they shall in the second place proceed further to open said road, by commencing at the several township lines, and extend the work therefrom in equal proportions, until the said road shall be opened and in good repair.

Bennet Dobbs
to make report.

SECTION 9. That for the purpose of carrying out the provisions of this act, Bennet Dobbs is hereby appointed to make report of such

tracts of lands as may be within the provisions of this act, to the supervisors and road commissioners of the several townships through which the road is located, which they shall deliver to their successors, and the commissioners of the several counties through which the road is located, are required to pay unto Bennet Dobbs a reasonable compensation for his services, not exceeding ten dollars in each county, by warrants drawn on the treasurer.

SECTION 10. That the president judges of the tenth and fourteenth judicial districts may, whenever in their opinion the due and satisfactory administration of justice in the respective districts require it, hold for each other in any county belonging to their districts, a special court or courts, and a certificate to this effect, made by the president judge, and filed, will be sufficient authority for the president judge in the tenth or fourteenth district, as the case may be, to hold a special court in the county wherein by the certificate the special court is required to be held, and all proceedings had before such special court so holden, shall be of the same force and effect, and be conducted according to the same rules and regulations, to all intents and purposes, as if the same had occurred before the president of the districts, and shall in like manner be subject to appeal writ of error, in due course of law, and the president judge holding the said special court, shall have and possess the same jurisdiction, power and authority, when holding said special court, as the president judge of the district could have or possess.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twentieth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 353.

AN ACT

Relative to the estate of Alexander Symington, deceased; incorporating the Kingessing and Philadelphia Railroad company; authorizing the Select and Common Councils of the city of Philadelphia to alter certain wharf lines on the river Schuylkill; to confirm the title to certain real estate in the district of Spring Garden, in the county of Philadelphia; authorizing the Commissioners of the district Southwark, in the county of Philadelphia, to borrow money for the building of wharves and piers; and changing the name of the Philadelphia, Easton and Water Gap Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall and may be lawful for the trustees or trustee for the time being, of the shares of the daughters of Alexander Symington, late of Symington. Estate of Alex.

the city of Philadelphia, deceased, in his estate, or the trustees or trustee for the time being of the several and respective shares of such daughters in said estate, upon the sale of any part or portion of the said trust estate, or of the respective shares of such daughters therein, hereafter to be made from time to time, to invest the proceeds of such sale or sales in such stocks or securities as may be designated by said daughters, or their respective husbands, if married, and their guardians, if under age, or by either of them, with the consent of her husband, if married, or the consent of guardians, if under age, so far as each respective share is concerned, and without any liability or accountability whatever on the part of such trustees or trustee for the time being of said estate, or of said respective shares, for or on account of such investments so made by them as aforesaid: *Provided*, That the same shall not be construed to authorize any loan to such daughter or daughters, or any of their husbands, or to any guardian of such daughters, or to either of them.

Proviso.

Kensington and Phila. railroad company incorporated.

Privileges.

SECTION 2. That Isaac Leech, junior, Morris Powers, Robert O'Neill, M. S. Wickersham, and their associates, be and are hereby incorporated, under the name, style and title of "The Kingessing and Philadelphia Railroad company," and they are hereby authorized to make, construct and use, with all the rights, privileges and liabilities granted to other companies, under the act of Assembly approved February nineteenth, one thousand eight hundred and forty-nine, entitled "An Act regulating Railroad companies," from any point in the township of Kingessing, county of Philadelphia, at or near the sixth mile stone on the great southern post road leading from Philadelphia to Darby, to connect with the Philadelphia, Wilmington and Baltimore Railroad, at a point not more than one and three-quarters of a mile south of Gray's Ferry, or with any other railroad leading to Philadelphia.

Capital stock.

SECTION 3. That the capital stock of said company shall consist of six thousand shares, and that the said company shall be authorized to hold fifty acres of land, if so much shall be deemed necessary for the interests of the company.

Wharf line on river Schuylkill to alter.

SECTION 4. That from and after the passage of this act, it shall be lawful for the select and common councils of the city of Philadelphia to alter the wharf line on the river Schuylkill, between the south side of Locust street and the south side of Spruce street, to a sufficient distance from the present line to ensure a depth of water sufficient to float vessels at low tide.

How to be altered.

SECTION 5. That said line shall be so altered by commencing at a point of the present wharf line on the south side of Locust street, and running to a point by a straight line to a point of present line on the south side of Spruce street.

Spruce street wharf, Schuylkill.

SECTION 6. That the select and common council of the city of Philadelphia, if they see fit, are hereby authorized to have a wharf constructed, or the present pier at the Spruce street wharf extended from the present wharf line or termination of pier on the north side of Spruce street forty feet into the river Schuylkill, to constitute a wharf or pier at the new proposed wharf line on Spruce street landing on the river Schuylkill, of same size and dimensions of the present pier.

Robert Brown, authorized to extend wharf on Schuylkill.

SECTION 7. That Robert Brown, of the city of Philadelphia, is hereby authorized, and it shall be lawful for him, by and with the consent of the authorities of said city, to construct and extend the wharf in front of his property, situate on the north side of Spruce street, into the river Schuylkill, to a distance of forty feet from the present pier to the new proposed wharf line on the north side of Spruce street, in

order and for the purpose of having a sufficient depth of water at low tide to float vessels to Spruce street wharf, or the wharf in front of his property.

WHEREAS, Jacob Lewis and Andrew Sterf, administrators cum testamento annexo of the estate of John Lewis, late of the county of Philadelphia, deceased, by indenture bearing date the thirtieth day of May, Anno Domini one thousand eight hundred and fifty, and recorded at Philadelphia in deed book G W C, number fifty-two, page two hundred and thirty-one, et cetera, granted and conveyed to the Spring Garden Mutual Insurance company, their successors and assigns, a certain two story brick messuage or tenement and three story brick kitchen and lot or piece of ground, situate on the north side of Wood street, between Garden street and Ninth street, and the distance of sixty feet ten inches and two-fifths of an inch eastward from the east side of said Ninth street, in the district of Spring Garden, in the county of Philadelphia, containing in front or breadth on the said Wood street fifteen feet two inches and three-fifths of an inch, and in length or depth on the west side thereof sixty-four feet two inches, and on the east side thereof about sixty-four feet two inches, bounded westward by ground of John Mingle the younger, northward by ground of Samuel Copeland, eastward by ground now or late of George Forde and Joseph Steelwagon, and southward by Wood street aforesaid :

And whereas, The said Spring Garden Mutual Insurance company, by indenture bearing date the twelfth day of July, Anno Domini one thousand eight hundred and fifty, recorded at Philadelphia in deed book G W C, number fifty-two, page five hundred and seventeen, et cetera, granted and conveyed the said two story brick messuage or tenement and three story brick kitchen and lot or piece of ground above particularly described, with the appurtenances, unto Harriet G. Stuebgen, of the city of Philadelphia, in the State of Pennsylvania, widow :

And whereas, The said Harriet G. Stuebgen has since intermarried with Charles H. Breiding, of the said city of Philadelphia :

And whereas, Doubts have been entertained in respect to the power of the said Spring Garden Mutual Insurance company to hold and convey the said two story brick messuage or tenement and three story brick kitchen and lot or piece of ground, and it is proper that the title to the same should be confirmed ; therefore,

SECTION 8. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That nothing in any statute of mortmain, or in any other statute or law of this Commonwealth relating to corporations, or any other law whatsoever, shall be held or deemed to impair or anywise to effect the title of the said Harriet G. Breiding, late Harriet G. Stuebgen, of and in the said two story brick messuage or tenement and three story brick kitchen and lot or piece of ground, but the same shall be held by the said Harriet G. Breiding, late Harriet G. Stuebgen, her heirs and assigns, as aforesaid, with the same effect, to all intents and purposes, as if the said Spring Garden Mutual Insurance company had at the time of receiving and executing the conveyances aforesaid, full power and authority under their charter to hold and convey the same.

SECTION 9. That the commissioners of the district of Southwark be and they are hereby authorized to borrow, at a rate of interest not exceeding six per cent. per annum, such amount of money not exceeding twenty thousand dollars, as may be necessary for the building of wharves and piers upon the river front of the wharf property of the

Preamble.

Preamble.

Preamble.

Preamble.

Title to real estate of Harriet G. Breiding confirmed.

Commissioners of Southwark authorized to borrow money.

corporation of the district of Southwark, and for the erection of piers at the end of such street as are now or may hereafter be opened to the river Delaware, in order that said wharves and piers may be extended to the wharf line as fixed for said district of Southwark by existing laws.

Culvert at foot
of Christian st.,
to be extended.

SECTION 10. That as soon as the board of commissioners of the district of Southwark shall have decided to extend the wharves and piers at the end of Christian street, in said district, they shall give notice in writing to the commissioners of the county of Philadelphia of said action, who shall thereupon cause the county culvert now terminating at the foot of said Christian street, to be extended into the river Delaware, to the line of the wharves in said district, and in case said county commissioners shall neglect or refuse to have said culvert so extended, or fail in having the same extended and finished within six months from the time of said notice, then the commissioners of the district of Southwark shall cause the said county culvert to be extended as hereinbefore provided, and collect the cost thereof from the county of Philadelphia.

Phila. Easton &
Water Gap
railroad co.,
name changed.

SECTION 11. That the name, style and title of the Philadelphia, Easton and Water Gap Railroad company be and the same is hereby changed to, and said corporation shall hereafter be known by the name of "The North Pennsylvania Railroad company," with all the rights, privileges and immunities, and subject to all the provisions and penalties provided for and enjoined by the act incorporating said company, and the several supplements thereto: *Provided*, That this section shall not take effect until first approved by the board of directors of said Philadelphia, Easton and Water Gap Railroad company, and if not so approved on or before the first day of January, one thousand eight hundred and fifty-four, it shall thereafter be adjudged null and void.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 354.

AN ACT

To incorporate the Manayunk Gas company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Joseph Ripka, Daniel Arbuckle, Richard Moffit, B. McCane, J. Winpenny, James Whitaker, Israel V. James, Patrick McGlinchey, Edward Preston, J. B. Winpenny, Charles Whitaker, William Jones,

William McGlinchey, George Shields, William M'Fadden, William B. Stephens, Henry Kerne, W. Levering, Oliver Whitaker, A. Campbell, Samuel O'Neal, William Sommerset, John F. Preston and George W. Davis, all of the county of Philadelphia, or any five of them, are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: that they shall procure a suitable book and enter therein as follows:—"We whose names are hereunto subscribed, do promise to pay to the president and managers of the Manayunk Gas company the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act to incorporate the Manayunk Gas company," witness our hands this day of

in the year Anno Domini one thousand eight hundred and fifty-three, and shall thereupon give notice in two or more newspapers published in the county of Philadelphia, for two weeks at least, of the time and place when and where the said book shall be kept open to receive subscriptions to the stock of the said company, at which time and place one or more of said commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in said book, in their own names or in the names of any other persons, or any incorporated company, who shall authorize the same, for shares in said stock, and the said book shall be kept open for the said purpose at least six hours in each juridicial day for the space of five days, or until there shall have been subscribed one thousand shares, and if at the end of five days the book aforesaid shall not have the number of shares aforesaid subscribed therein, the said commissioners may adjourn from time to time, and transfer the said book elsewhere, until the said number of one thousand shares be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall have been subscribed, then the book shall be closed.

SECTION 2. That when one thousand shares of the stock shall have been subscribed, and the sum of five dollars paid on each and every share, the commissioners who have acted, or a majority of such, shall certify to the Governor, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, and the sum paid thereon, whereupon the Governor shall by letters patent, under his hand and the seal of the Commonwealth, create and erect the subscribers, and those who shall thereafter subscribe to the number of shares hereafter mentioned, into a body politic and corporate, in deed and in law, by the name and style of "The Manayunk Gas company," and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all the courts of record and elsewhere, and by the said name the said corporation shall have power and authority to manufacture and sell gas, to be made from bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories and other places in the borough of Manayunk and vicinity, to purchase, have, hold, receive and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and all estate, real and personal or mixed, of what kind and quality soever, and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain,

To procure books for subscriptions of stock.

To give notice of time and place of taking subscriptions.

Who may subscribe.

When letters patent may issue.

Style.

Privileges.

establish and put in execution, such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the Constitution and laws of the United States or of this Commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatsoever, or any other privileges, liberties or franchises, but such as may be necessary or incident to the making of gas, and the distribution thereof for the purpose of illumination in the borough of Manayunk and vicinity: *Provided further*, That the said company shall at no time hold or possess any land for any other purpose than the construction thereon of the necessary works, store-houses and offices of the said company.

Proviso.

Proviso.

When to organize.

Proxies.

Managers.

By-laws.

When stockholders to meet to elect officers &c.

Special meetings.

Votes.

SECTION 3. That the said commissioners, or any five of them, shall as soon as conveniently may be after the said letters patent shall have been obtained, give at least two weeks' previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within four weeks previously to the election at which such proxy shall be presented, duly authorized, thirteen managers, and the managers so chosen shall elect a president from their own body, and conduct the business of the company from the time of their election, as aforesaid, until others are chosen to supply their places at the next annual meeting of the stockholders occurring thereafter, as hereinafter mentioned, and the said managers may make such by-laws, rules, orders and regulations, as are not inconsistent with the laws and Constitution of this State or of the United States, and as may be necessary for the due management and ordering the affairs of the said company, and from time to time may sell stock, not to exceed in the whole number two thousand shares.

SECTION 4. That the stockholders shall meet on the second Monday of August next succeeding the organization of the said company, as provided for in the preceding section of this act, and subsequently on the same day and month in every ensuing year, at such place as may be fixed upon by the by-laws, of the time and place of which meeting notice shall be given at least two weeks previously in the newspapers aforesaid, and choose by ballot, by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act, which officers so elected, shall continue in office for one year or until a new election shall be had; and the stockholders shall also meet at such other times, either upon the requisition of the managers or of any stockholders who own in the aggregate one hundred shares, as they may be summoned to meet by the said managers or stockholders, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of votes present, in manner aforesaid, all such laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled at all elections, and upon all questions submitted to any annual or special meeting of the stockholders, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding ten shares one vote, for every five shares above ten shares one vote, to the extent of thirty votes, which shall be the highest num-

ber of votes to which any stockholder shall be entitled, whatever may be the number of shares of stock held by such stockholder, and no share shall confer a right of voting which shall not have been held two calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his or her own right, or in right of his wife, or for his or her sole use and benefit, as an executor, administrator, trustee or guardian, or society of which he or she may be a member: *Provided*, That no person shall be permitted to vote at the first election of the said company, unless he or she has fully paid five dollars on each share of stock by him or her subscribed, as directed by the second section of this act, and at all subsequent elections of the said company, no person shall be permitted to vote unless he or she shall have fully paid all the installments called for and then due on the shares by him or her subscribed, and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An Act to regulate proxies."

SECTION 5. The election of officers provided for in the fourth section of this act, shall be conducted in the following manner, that is to say:—the managers for the time being shall appoint two of the stockholders not being managers to be judges of the said election, and to conduct the same, who, before undertaking to act, shall severally take and subscribe an oath or affirmation before a justice of the peace or alderman, well and truly according to law to conduct such election, to the best of their knowledge and abilities, and the said judges shall decide upon the qualifications of the voters, and when the election is closed, (which shall be and remain open at the office of the company in the borough of Manayunk, from ten o'clock A. M., until three o'clock P. M.,) shall count the votes, and the stockholders having the highest number of votes shall be declared duly elected, and if it shall at any time happen that an election of managers shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of managers on the same day, or on any other day thereafter, giving at least ten days notice, signed by the secretary, in the newspapers before mentioned, of the time and place of holding such election, and they are hereby required so to do at least once in every twenty days until the requisite officers are chosen, and the managers and treasurer of the preceding year shall in that case continue to act, and be invested with all powers belonging to their respective stations, until an election shall take place; in case of the death or resignation or removal from the State of any manager, treasurer, or other officer, his place shall be filled by the board of managers until the next annual election: *Provided*, That none but stockholders shall be eligible to be elected manager.

SECTION 6. That the managers shall meet at such times and places as shall be found most convenient for the transaction of their business, seven of whom shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to buy land for a site for the gas works, and erect the same, to appoint all such architects, chemists, superintendents and other artists and officers, as they shall deem necessary to construct and carry on the intended gas works, and to fix their salaries and wages, to enter into and execute contracts or covenants in relation to the object of said corporation, and to enforce the same, to ascertain the time, manner and proportions in which the said stockholders shall

pay the money due on their respective shares, to draw orders on the treasurer for money, which orders shall be signed by the president, or in his absence by a majority of the managers present, and attested by the secretary, and generally to do all such other acts, matters and things, as by this act and the by-laws and regulations of the company they are authorized to do.

Certificates of stock.

SECTION 7. That the managers first chosen shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for such share or shares as by him are subscribed and held, which certificate or evidence of stock shall be transferable at pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, in a book to be kept by the said corporation for that purpose, subject, however, to all payments due or to become due thereon, and the assignee holding any certificate transferred as aforesaid, shall be a member of said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to a share or shares, as is therein mentioned, of the capital stock, of all the estates and emoluments of the corporation incident to the said share or shares, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

Failure to pay installments.

SECTION 8 That if after twenty days notice in the public papers as aforesaid, of the time and place appointed for the payment of any proportion or installment of the said capital stock, in order to carry on the works of the said company, any stockholder shall neglect to pay such proportion or installment, at the place appointed, every such stockholder or his assignee shall, in addition to the installment so called for, pay at the rate of two per centum per month for the delay of such payment, and if the same and the additional penalty shall remain unpaid for such a space of time as that the accumulated penalty shall become equal to the sum or sums before paid in part and on account of such share or shares, the same shall become forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; that in default of payment by any stockholder of any such installment as aforesaid, the said company may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid; that in case of the transfer or assignment of any such share or shares on which default has been made as aforesaid, the company may bring suit as aforesaid, either against the person who assigned or transferred the said share or shares, or the person to whom such transfer or assignment was made, for the recovery of any unpaid installment, together with the penalty aforesaid.

Transfer of stock.

Dividends.

SECTION 9. that the managers shall declare dividends of so much of the net profit of the company as shall appear to them advisable, on the first Mondays in June and December in every year, which shall be paid to the stockholders or their legal representatives on demand, ten days after the same shall have been declared: *Provided*, That no dividend shall be declared or paid to the stockholders, when such payment would render the corporation insolvent or make its solvency doubtful.

Proviso.

May borrow money.

SECTION 10. That the managers of this company are hereby authorized and empowered, should the same be deemed necessary, to borrow

any sum or sums of money in their corporate capacity, not exceeding ten thousand dollars, for the purpose of aiding them in the construction of their works, and to secure the payment of the same, shall execute a mortgage upon their works and real estate in favor of the person or persons who may have loaned the same, which mortgage shall be executed, signed and sealed with the seal of the corporation, by the president of the company, and delivered under the direction of the board of managers, agreeably to the term of the loan, and the said managers shall provide for the payment of the interest upon any loan made under this section out of the receipts for gas, before any dividends shall be paid to the stockholders.

SECTION 11. That in the month of December annually, the managers shall submit to the stockholders a written statement, under oaths or affirmation of the president and treasurer, of the amount of capital stock paid in, and the amount of all existing debts against the company, which statement shall show also how the money paid in by the stockholders upon their shares has been appropriated, and the receipts and expenditures for each year, up to the time of making the said statement, and in short, shall be a full and satisfactory exhibit of the financial condition of the corporation. Managers, to make annual statement.

SECTION 12. That the company shall have power and authority, and is hereby empowered and authorized to erect gas posts or lamps, burners and reflectors, to dig such trenches in and along and across the public streets, lanes, alleys and side-walks in the borough of Manayunk and vicinity, for the purpose of laying their pipes for the distribution of gas, as the company may deem necessary, and may enter into such lands and enclosures as may be necessary, and dig trenches through and across them for the same purpose, doing as little damage as possible to private property, and paying for whatever injury may be done by them, and if the parties cannot agree on the amount of damages, the same shall be assessed by three disinterested men, on oath, to be appointed by the court of common pleas of Philadelphia county, on the application of either party, and the said company shall have the like privileges as to the re-laying or taking up or repairing the said pipes, as often as the same may be necessary: *Provided*, That the said company shall fill up said trenches and restore the said streets, lanes, alleys and side-walks, and the private property, as aforesaid, to as good a condition as they were respectively in before the said trenches were dug, at the proper cost and expense of the said company. Power to erect gas posts, &c.
Damages.
Proviso.

SECTION 13. That if any person or persons shall open a communication into the street gas main or other gas pipe of the said company, without authority from the proper officer of the said company, or shall let on the gas after it has been stopped by order of the said officer, for repairs or any other cause or purpose, or shall put up any pipes or burners in addition to the pipes or burners originally put up and inspected, and introduce the gas into them without authority, as aforesaid, he, she or they shall be subject to a penalty of not less than ten nor more than fifty dollars for each and every such offence, to be recovered as debts of a like amount are recoverable in law, one-half to be paid to the informer and the other half to the said company. Penalty for injury to gas pipes, &c.

SECTION 14. That if any person shall willfully do or cause to be done any act or acts whatever, whereby any building, construction, or works of said company, or any gas pipe, gas post, or lamp, burner or reflector, or any matter or thing appertaining to the same, shall be stopped, obstructed, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and being thereof indicted and convicted in the court of quarter sessions, shall be punished by Injuries to works, how punished.

Proviso.

fine not exceeding one hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court: *Provided*, That such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court in this State having cognizance of the same.

Secretary and treasurer.

SECTION 15. That the managers shall annually elect a secretary and treasurer, the latter of whom shall be a stockholder of the company; said treasurer shall give a bond to the said corporation, with sufficient surties, to the satisfaction of the managers of said company, conditioned for the faithful performance of the duties of his office, for a just account of all moneys that may come into his hands by virtue thereof, and for the delivery to his successor in office of all books, papers, documents, moneys and other things held in right of his office.

When to be completed.

SECTION 16. That if the said company shall not carry into operation the objects of their charter within three years from the passage of this act, then the said charter shall become null and void.

W. P. SCHELL,

Speaker of the House of Representatives.

JNO. C. KUNKEL,

Speaker of the Senate.

APPROVED—The twentieth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 355.

A N A C T

Relative to the Meadville, Allegheny and Brokenstraw Plank Road company.

Borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Meadville, Allegheny and Brokenstraw Plank Road company be and are hereby authorized and empowered, for the purpose of the construction of said road, or for the payment of debts already contracted for the building and constructing the same, to borrow such sum or sums of money, not exceeding eight thousand dollars, as may by the managers be deemed advisable for the interest of said company, and that said company shall have power to issue and sell its own corporate bonds, for sums not less than one hundred dollars, bearing interest at the rate of six per cent. per annum, and to mortgage, or in any other way, to create a lien in favor of any person or persons, to secure the payment of said bonds.

SECTION 2. That the said company be authorized to make the said Grade. road, when the same may be deemed proper for the interest of the company, on a grade not exceeding four degrees.

W. P. SCHELL,
Speaker of the House of Representatives.

JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The twentieth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 356.

A SUPPLEMENT

To an act entitled "An Act to encourage Manufacturing operations in this Commonwealth," approved the seventh day of April, Anno Domini one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the several provisions of the act to which this is a supplement, and the supplements thereto, so far as the same shall not be herein altered or supplied, shall be extended so as to embrace companies formed for mining coal, and for mining, quarrying and preparing for market, lime, marl, soda, hydraulic-cement, or other minerals, and smelting copper, lead, tin or zinc ores, and for quarrying marble, stone or slate, and for the manufacture of lumber, with the right of preparing for market the produce of their said mines and quarries, and vending the same: *Provided,* That none of the provisions of this act shall extend to or embrace the counties of Schuylkill and Luzerne, Dauphin, Northumberland, Lehigh and Northampton.

Provisions of
act extended.

Proviso.

SECTION 2. That all companies incorporated as aforesaid, for opening coal mines, and mining and preparing the coal for market, and all companies for manufacturing lumber, shall have the right to own in fee simple or for a term of years, any amount of land necessary for the purposes of said corporation, not exceeding at any one time two thousand acres, and all companies for mining and smelting copper, lead, tin, or zinc ores, or for quarrying marble stone or slate, shall have a right to hold land as aforesaid, not exceeding one thousand acres; and the companies aforesaid may, after opening their said mines and quarries, and erecting the necessary machinery and fixtures for their purposes, lease to others the right of working the same, and preparing and vending the products of their mines and quarries respectively.

Companies may
hold land.

May lease right
to work mines.

SECTION 3. That the stockholders in all companies hereafter incorporated in pursuance of the provisions of this act, or the act to which this is a supplement, and the several supplements thereto, whether holding the certificate of stock in their own names or being the parties

Stockholders
liable for debts
of company.

beneficially interested therein, shall be jointly and severally liable in their individual capacities and estates for all the debts, contracts or other liabilities of the said company, contracted or incurred during the time such stockholders respectively own their stock, or are beneficially interested therein : *Provided*, That such corporations respectively shall pay into the treasury of the Commonwealth a bonus of one-half of one per centum upon the amount of the original capital stock, and a like bonus upon all subsequent increase of capital, in the manner provided in the second section of the act to which this is a supplement.

Proviso.

Attorney General to examine certificates.

SECTION 4. That in all cases of corporations erected under this act, or the acts to which it is supplementary, the certificate required before being recorded shall be submitted to and examined by the Attorney General of the Commonwealth, and by him certified to be properly drawn and signed, and that the same is in conformity with the provisions of the Constitution and laws of this Commonwealth, for which service the persons applying for such corporation shall pay him ten dollars, and such corporations respectively shall make an annual report to the Auditor General, verified by the oath or affirmation of the president, secretary or treasurer thereof, in the month of December, stating explicitly and accurately the names of all stockholders of such company, the whole amount of capital stock thereof, the amount or proportion of the said capital stock paid in, the amount of capital invested, the number of acres of land held by the company and where situate, and the amount of coal or other minerals mined, or of goods manufactured, as the case may be, during the previous year : *Provided*, That the capital stock of any company formed under the provisions of this act, shall not exceed the sum of two hundred thousand dollars, to be divided into such number of shares as the stockholders may agree upon, not less than ten dollars each.

To make report to Auditor General.

Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The twentieth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 357.

AN ACT

To incorporate the Frankford, Aramingo, Bridesburg and White Hall Steamboat company, in the county of Philadelphia.

Corporators,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Nathan Hilles, Albert G. Rowland, Amos Thorp, Edwin F. Duffield, William L. Myers, James Brooks, Isaac Shallersoss, Richard Garsed, Jesse H. Flitercraft, Henry W. Ditman, and Lewis F. Emery, and such other persons as may associate with them, their successors and assigns,

are hereby created and made a corporation and body politic, by the name, style and title of "The Frankford, Aramingo, Bridesburg and White Hall Steamboat company," and by that name shall have perpetual succession, and be capable in law to sue and be sued, in any court of law or equity, to have and use a common seal, and generally to do all such acts as shall be proper and necessary for establishing a steamboat line for the conveyance of passengers, goods and merchandise on the river Delaware and Frankford creek, or such other places as the company may desire; the capital stock of said company shall be divided into shares of ten dollars each, and shall not exceed in number five thousand shares, to be subscribed for and disposed of from time to time, in such manner as the resolutions or by-laws of the company made in pursuance of this act shall provide.

Name & style.

Privileges.

Capital stock.

Directors.

Officers.

Vacancies.

Elections to be

by ballot.

Compensation

of engineers,

&c.

May hold lands

&c.

May improve

Frankford

creek.

Provido.

Provido.

Dividends.

Provido.

SECTION 2. That the affairs of the company shall be managed by a board of eleven directors, to be chosen from among the stockholders of said company; the said board of directors shall be elected on the second Thursday of January in each and every year, and shall continue in office until their successors are duly elected; the said board of directors shall choose from among their number a president, secretary and treasurer, and may fill any vacancy that shall occur in their body, by death, resignation, or otherwise; each stockholder shall be entitled to one vote, but if owning five shares two votes, and if owning ten shares three votes, and no stockholder shall have more than three votes, no matter what number of shares he, she or they may hold.

SECTION 3. The elections of all officers shall be by ballot, and a majority of ballots cast for any person shall entitle him to the office for which he may have been a candidate.

SECTION 4. That the board of directors shall have power and authority to appoint and employ and fix the compensation of all such officers, engineers and agents, as may be necessary to transact the business of the company; that they may purchase and hold or lease lands necessary to transact the business of the company, purchase, hire or build boats and carriages to be employed by them, rent, make or build such wharves and houses as may be required for their business, and that they prescribe the manner and evidences of the transfer of stock, and the condition of forfeitures thereof; they shall have full power and authority to deepen and otherwise improve the Frankford creek, from the mouth thereof as far as said creek is declared a public highway, so as to facilitate the navigation thereof by steamboat and other water craft, and are hereby fully empowered to pass all by-laws requisite for the welfare of the company: *Provided*, That the same does not conflict with the constitution and laws of the United States or of this State; they shall establish the price of passengers' fare and price of transportation of freight, and the same to alter or change: *Provided*, That the fare charged for passengers shall not exceed the sum of two cents per mile, and in all respects to conduct the business of the company in the best manner for the interest and advantage of the parties concerned; that the said board of directors shall keep a record of their proceedings, which shall be subject to the inspection of a majority of the stock duly represented.

SECTION 5. That the board of directors shall from time to time declare dividends of the profits realized, if any, by the company, or so much thereof as a majority of the board of directors shall deem expedient: *Provided*, That no part of the capital stock shall be withdrawn or refunded to the stockholders, or dividends declared, until all debts or liabilities of the company shall have been paid, and in case of any violation of the provisions of this section by the board of directors, they

shall be personally liable in their own estates, jointly and severally, for all debts previously contracted and due by said company, to be recovered as debts are by law now recoverable.

Stock transfer-
able.

SECTION 6. That the shares of stock aforesaid may be transferred by the owner or owners thereof, their executors or administrators, or attorney duly authorized, in a book to be provided for that purpose, and in such manner as the directors may direct.

General and
special meet-
ings, notice of
to be given.

SECTION 7. That the board of directors or the stockholders holding a majority of the stock, shall have the power at any time to call general or special meetings of the stockholders, by giving two weeks' notice in a newspaper or newspapers published in the borough of Frankford, and one week's notice in one of the daily newspapers published in the city of Philadelphia, of the time and place of holding such meeting, and at all such meetings the vote shall be taken as in the manner of electing directors, and the stockholders present at such meeting shall have the power of directing the winding up and the closing the concerns of said company: *Provided*, That stockholders representing a majority of the stock of the company shall vote for the same as provided in section second.

Provided.

Directors.

SECTION 8. That the persons named in the first section of this act are hereby constituted directors of said company, with power to choose from among their number a president and a secretary and treasurer, and they are hereby further empowered to act as and exercise all the powers hereinbefore given to said board of directors, until the election to be held under the provisions of the second section of this act in the year one thousand eight hundred and fifty-four.

The exercise of
banking privi-
leges prohib-
ited.

SECTION 9. That the said company is hereby prohibited from exercising banking privileges, or from issuing any note or evidence of debt to be used as currency, and the right is hereby reserved to the Legislature to alter, revoke or annul this act, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators: *Provided, however*, That this act shall continue in force for twenty years and no longer.

Provided.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twentieth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 358.

AN ACT

To incorporate the White Haven and Carbon County Line Turnpike Road company; authorizing the School Directors of the borough of Meadville to borrow money; relative to the Philipsburg and Glade Turnpike Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Lucius Blakeslee, David Dean, Thomas Morrison, Luke W. Brodhead, Commissioners. and James Morrison, of Luzerne county, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name, style and title of "The White Haven and Carbon County Line Turnpike Road company." with power to construct a turnpike road from the borough of White Haven, in the county of Luzerne, to the line dividing the counties of Luzerne and Carbon, at or near the house occupied by John Green, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, except so far as the same is supplied by this act: *And provided*, That the said White Haven and Carbon County Line Turnpike Road company shall not be compelled to make their artificial road more than sixteen feet wide.

Name and style.
Subject to provisions and restrictions of certain act.
Proviso.

SECTION 2. That the capital stock of said company shall consist of two hundred shares, at twenty-five dollars per share.

Capital stock.

SECTION 3. That it shall be lawful for the said company, by and with the consent of a majority of the stockholders of the White Haven and Lausanne Turnpike Road company, had at a public meeting called for the purpose, to use so much of the road partially constructed and abandoned by the said White Haven and Lausanne Turnpike Road company as is within the county of Luzerne: *Provided*, That the certificates of stock of the White Haven and Lausanne Turnpike Road company shall be received at par in payment of stock of the said White Haven and Carbon County Line Turnpike Road company: *Provided*, *also*, That the just and lawful claims of all creditors of the said White Haven and Lausanne Turnpike Road company for debts contracted for work and labor done, materials furnished, or moneys raised and expended on the part of said road running through or lying in Luzerne county, shall be allowed in the payment of certificates of stock of the White Haven and Carbon County Line Turnpike Road company, but the said White Haven and Carbon County Line Turnpike Road company shall not be held liable for, or in any way compelled to pay any of the debts or liabilities of the White Haven and Lausanne Turnpike Road company other than as above stated.

May use part of other road.
Proviso.
Proviso.

SECTION 4. That the school directors of the south ward of the borough of Meadville, be and are hereby authorized to borrow a sum not exceeding fifteen hundred dollars, on temporary loan, to be applied for the purchase of land and the erection of a building or buildings thereon for common schools in said ward, and that the bonds given for said loan shall be exempt from all taxes except for State purposes.

School directors south ward, Meadville, authorized to borrow money.

Philipsburg and
Glade turnpike
road, grade of.

SECTION 5. That so much of the act entitled "An Act to incorporate the Philipsburg and Glade Turnpike Road company," as limits the grade of their road to four and a half degrees, be and the same is hereby repealed, and said company shall be authorized to construct their said road with a grade not exceeding five degrees.

W. P. SCHELL,

Speaker of the House of Representatives.

JNO. C. KUNKEL,

Speaker of the Senate.

APPROVED—The twentieth day of April, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 359.

AN ACT

To appoint Commissioners to run and mark the County lines between Bedford, Fulton and Huntingdon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Commissioners. William M. Hall, of the county of Bedford, Kimber S. Moore, of the county of Fulton, and Jacob Criswell, of Huntingdon, are hereby appointed commissioners, with authority to survey, ascertain and mark the dividing line between the counties of Bedford, Fulton and Huntingdon.

Duties. SECTION 2. That it shall be the duty of said commissioners, after having first taken and subscribed an oath or affirmation before a justice of the peace to perform the duties enjoined on them by this act with impartiality and fidelity, to go upon the ground and carefully survey, ascertain, mark and establish the dividing line which separates Huntingdon county from the counties of Bedford and Fulton, commencing at the Blair county line and running to the Franklin county line, and that the said commissioners shall run and mark the said line as the same was originally run and marked, which said line, when so marked, shall be the boundary line dividing the said counties.

Commissioners to survey and make draft, &c. SECTION 3. That it shall be the duty of said commissioners, or any two of them, on or before the first day of October, one thousand eight hundred and fifty-three, to survey and mark said line upon the ground by distinct and permanent marks, wherever and as often as the said division line crosses any public road or highway, and other convenient distances on the aforesaid line, and to make three drafts of the same, certified under their hands, with courses and distances plainly laid down with references to the improvements through which said line may pass, one of which they shall deposit in each of the prothonotary offices of the aforesaid counties, as soon thereafter as practicable, which shall be considered as a public record.

SECTION 4. That the said commissioners shall receive as a compensation for their services, the sum of three dollars per day each, for and during the time they shall be actually engaged in the discharge of their duties, and the commissioners shall have authority to appoint a surveyor or other necessary assistant, and to incur any other expenses that may be necessary to carry out the intention of this act; said assistants shall receive for their services the sum of two dollars per day each while actually engaged on said survey, and all the aforesaid expenses shall be paid in equal proportions by the said counties, by the commissioners of said counties, by warrant drawn on the treasurers of their respective counties.

SECTION 5. That in case that any of the above named commissioners should refuse to serve, or in the event of his sickness or death, the remaining two shall select a suitable person, a resident of the same county in which the person resided who caused the vacancy, as commissioner, and if two or more vacancies shall occur from the same cause, the Governor is hereby authorized to appoint commissioners to discharge the duties prescribed in this act.

W. P. SCHELL,
Speaker of the House of Representatives.

JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The twentieth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 360.

A SUPPLEMENT

To the sixth section of an act entitled "An Act authorizing the Commissioners of the incorporated districts of the Northern Liberties and Kensington to open a street, to be called Delaware avenue; relative to the duties of Assessors, Venders of Mineral Waters," passed the 24th day of January, 1849; and the supplement to an act entitled "An Act relative to the Venders of Mineral Waters; and an act relative to the Washington Coal company; to Sheriffs' sales of real estate; to the substitution of Executors and Trustees when plaintiff's; to partition of Common Pleas; and for other purposes," passed the 9th day of April, 1849; relative to the Pennsylvania Building and Loan Association; and to the Venango Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all manufacturers and venders of mineral waters and other beverages in bottles, upon which their mark or marks shall be respectively impressed, may file in the office of the Secretary of the Commonwealth a description of such bottles, and of the name or marks thereon, and shall cause the same to be published for six weeks, successively, in a daily, weekly or other newspaper published in the county wherein the

Mineral Waters,
&c., bottles
marked to be
published.

Proviso.

same shall be manufactured or sold, except in the city and county of Philadelphia, where the said publication shall be made for the same time in two daily newspapers: *Provided*, That those manufacturers or vendees of mineral waters or other beverages, who may have already complied with the provisions in regard to registry and publication contained in the sixth section of an act entitled "An Act authorizing the commissioners of the incorporated districts of the Northern Liberties and Kensington to open a street to be called Delaware avenue, and for other purposes, approved the twenty-fourth day of January, Anno Domini one thousand eight hundred and forty-nine, shall not be again required to make registry or publication, and shall be entitled to all the benefits of this act.

Penalty for using or selling such bottles.

SECTION 2. That it is hereby declared to be unlawful for any person or persons hereafter, without the permission of the owner thereof, to fill with mineral waters or other beverages any such bottles so marked, or to sell, dispose of, or to buy, or to traffic in any such bottles so marked and not bought by him or her of such owner thereof, and every person so offending, shall be liable to a penalty of fifty cents for every bottle so filled, or sold, or used, or disposed of, or bought, or trafficked in, for the first offence, and of five dollars for every subsequent offence, to be recovered before any alderman or justice of the peace, as fines and penalties are by law recoverable, for the use of the Commonwealth.

Evidence of the use or purchase of such bottles.

SECTION 3. That the fact of any person other than the rightful owner thereof using any such bottles for the sale therein of any beverage, shall be *primæ facie* proof of the unlawful use or purchase of such bottles as aforesaid, and any such owner, or agent of the owner, who shall make oath or affirmation before any alderman or justice of the peace, that he has reason to believe, and does believe, that any of his bottles stamped and registered as aforesaid are being unlawfully used, or are concealed by any person or persons selling or manufacturing mineral waters or other beverages, that the said alderman or justice of the peace shall thereupon issue a process in the nature of a search warrant, directed to any constable, commanding him to search the premises, wagons, carts or other places of the offender or offenders where said bottles are alleged to be, and if upon such search any bottles so marked shall be found, to bring the same, together with the body of the person in whose possession they may be found, before said alderman or justice of the peace, there to be dealt with according to law.

Former acts repealed.

SECTION 4. That all acts, supplements, or parts of acts of Assembly heretofore passed, in reference to the subject matter contained in the preceding sections of this act, be and the same are hereby repealed.

Provisions of certain act extended.

SECTION 5. That the proviso to the fourth section of the act entitled "A supplement to an act entitled 'An Act to prevent waste in certain cases within this Commonwealth,'" &c., approved the twenty-second of April, one thousand eight hundred and fifty, so far as the same affects the Pennsylvania Building and Loan Association, be and it is hereby repealed.

Venango railroad company, supplement to act incorporating.

SECTION 6. That the commissioners of the Venango Railroad company, or any three of them, are hereby authorized to open books and receive subscriptions, at any time, at the court house in the county of Venango, that they may deem advisable, until the amount of stock required by the act of incorporation is subscribed, and that the number of directors in said company shall be four, and one person for

president, who shall be elected as directed in the act of incorporation to which this is a supplement.

SECTION 7. That the aforesaid company shall have the right and ^{May borrow} power to borrow money, at a rate not over seven per cent. per annum, ^{money.} to enable them to finish and equip their railroad, and give mortgages or other securities for the payment thereof, and the same to be convertible into stock, as shall be agreed upon between said company, and the lender or lenders: *Provided*, That no bond shall be issued ^{Proviso.} for a sum less than one hundred dollars.

SECTION 8. That the said company shall have the authority and ^{Authority to} privilege to extend their railroad to any point on the northern line of ^{extend road, and} the State, and south west or west by a route near the borough of Mercer, to any point on the western line of Mercer county, and from any point on said road or extension, and also the right to construct and equip a railroad from any point on the Sunbury and Erie, or the supposed route of the Sunbury and Erie railroad, to the western line of the State, and form connection for all purposes at any of the above ^{form connections.} points with any other railroad that they may deem proper.

W. P. SCHELL,
Speaker of the House of Representatives.

JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The twentieth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 361.

AN ACT

To incorporate the Washington and Manor Turnpike Road company; legitimating Frank Jones of the city of Philadelphia; relative to the election of Directors of the Poor in Allegheny county; to the Warren County Mutual Insurance company; to the Lackawanna and Susquehanna Railroad; to advertising Lumber drifting upon islands in the Susquehanna river; and relative to Lanes and Alleys in the city of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John Landis, Amos B. Shuman, Joseph Schoch, Benjamin Kauffman, ^{Commissioners.} Jacob Mann, George Ford, Daniel Harman, Doctor Abraham Bitner, Jacob Shuman, Abraham Peters, Jacob Shenk, Jacob M. Frantz, Jacob Bausman, John Leitner, Jacob Peters, and George G. Brush, or any three of them, be and they are hereby appointed commissioners, to open books, receive subscriptions to stock, and organize a company, by the name, style and title of "The Washington and Manor Turnpike Name and Road company," with power to locate and construct a turnpike road ^{Style.}

Location.

from the termination of the Manor Turnpike Road at the Lake mill on the Conestoga creek, in Manor township, Lancaster county, along the line of the present public road, or by any other route which may be deemed most advantageous to the borough of Washington, in said county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto.

Capital stock.

SECTION 2. That the capital stock of said company shall consist of five hundred shares, at fifty dollars per share, or of any less number and amount, as may be deemed necessary for the construction and completion of said turnpike road.

Commencement and completion of road.

SECTION 3. That if the said company shall not commence the construction of the said road within five years after the passage of this act, and complete the same within seven years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of the company.

Frank Jones legitimated.

SECTION 4. That Frank Jones, son of Owen Jones, of the city of Philadelphia, shall have and enjoy all the rights and privileges of a legitimate child of the said Owen Jones born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if he had been born in lawful wedlock.

Directors of the poor in Allegheny co., when to be elected.

SECTION 5. That the time fixed for the election for directors of the poor, viz: at the general election in the year one thousand eight hundred and fifty-three, in the first section in said act, passed twenty-third April, one thousand eight hundred and fifty-two, relating to support and employment of the poor of Allegheny county, be so altered and extended as to be at the general election in the year one thousand eight hundred and fifty-four, and that the powers given to the commissioners under said act and the former supplement thereto, be extended and continued until the said directors are so elected at the said election year one thousand eight hundred and fifty-four, and duly qualified.

Warren county Mutual Insurance company, to organize.

SECTION 6. That Lathrop T. Parmlee, Lansing D. Witmore, and Rufus P. King, or any three of the original commissioners of the Warren County Mutual Insurance company, be authorized to call a meeting for the purpose of organizing said company, agreeable to the conditions of the charter of said company.

Lackawanna and Susquehanna railroad co., damages how to be settled.

SECTION 7. That whenever the parties cannot agree upon the damages claimed for lands taken for the right of way by the Lackawanna and Susquehanna Railroad company in the prosecution of their work, the said company may tender bond, and proceed in all respects as is provided and specified in the second section of the act entitled "A supplement to the act incorporating the Pennsylvania Coal company," approved the seventh day of March, one thousand eight hundred and forty-nine.

Lumber lodging on islands in Susquehanna, to be advertised.

SECTION 8. That from and after the passage of this act, it shall be lawful for any person owning or occupying an island in the Susquehanna river to advertise any lumber lodging on his or her land, in the same manner, and under the same terms as is directed in the act of the twentieth of March, one thousand eight hundred and twelve, entitled "An Act to regulate the taking up of lumber in the rivers Susquehanna and Lehigh and their branches," to which this is a supplement.

SECTION 9. That from and after the passage of this act, all lanes and alleys laid out and opened in the city of Pittsburg, shall be deemed and taken as public highways, as fully as other streets are. Lanes & alleys
in Pittsburg.

W. P. SCHELL,
Speaker of the House of Representatives.

JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The twentieth day of April, A. D., eighteen hundred and fifty-three.

WM. BIGLER.

No. 362.

AN ACT

To incorporate the Earp Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Benjamin T. Hughes, Emanuel J. Fry, Samuel S. Bigler, Adam Kline, William Brady, and Conrad Fry, or any three of them, be and they are hereby appointed commissioners, to open books for the purpose of receiving subscriptions to the capital stock of the company hereinafter directed to be incorporated. Commissioners.

SECTION 2. That the capital stock of said company shall be one hundred thousand dollars, which said capital may be increased if required, to any sum not exceeding three hundred thousand dollars. Capital stock.

SECTION 3. That the Earp Railroad company, hereby directed to be incorporated, shall be and hereby is invested with all the rights and powers necessary for the construction and repairs of a railroad, beginning at one or more points on the Earp lands, in Blythe, New Castle and Cass townships, in Schuylkill county; thence by the most convenient route, to connect with the Schuylkill canal, the Philadelphia and Reading railroad, or any other railroad east of Pottsville in said county, and join, cross or intersect any railroad, canal or other public improvement on the line of the said railroad: *Provided,* That such connection or crossing shall not interfere with the free use of the works already constructed. Powers.
Location.
May connect
with other road.
Proviso.

SECTION 4. That said company shall not charge a higher rate of toll than three cents per ton per mile for all coal and other commodities transported over said road, more than one cent per ton per mile for motive power. Tolls.

SECTION 5. That the said company shall be entitled to all the rights and privileges, and be subject to all the restrictions and regulations provided for in the act entitled "An Act regulating Railroad com- Subject to pro-
visions and
restrictions of
certain act.

panies," approved the nineteenth day of February, one thousand eight hundred and forty-nine.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twentieth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 363.

AN ACT

relative to the Germantown Gas company; to certain Election Districts; to the North Philadelphia Plank Road; and forming a new Election District in the borough of Columbus, Warren county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Germantown Gas company shall have a right to lay pipe, introduce gas, and supply it to consumers in and through the township of Germantown, and also in and through School House lane, in the township of Roxborough, as fully as they now have such right within the borough of Germantown, and that said company shall have the right to increase or enlarge their capital stock, in the same manner, form and extent, as turnpike or plank road companies may do it under the second section of an act entitled "An Act regulating Turnpike and Plank Road companies," approved the twenty-sixth day of January, eighteen hundred and forty-nine.

Germantown Gas company, may lay pipes in certain localities.

May increase capital stock.

Fox tp., Elk co.

SECTION 2. That hereafter the special, general and township elections for the township of Fox, in the county of Elk, shall be held at the school house on the public ground near William Emmet's, in said township.

Jordan tp., Clearfield co.

SECTION 3. That hereafter the special, general and township elections for the township of Jordan, in the county of Clearfield, shall be held at the school house in Ansonville, in said township.

North Phila. plank road, damages.

SECTION 4. That all damages for any land that may be taken or occupied by or for the use of the North Philadelphia Plank Road company for the bed of their road, as well as for any materials taken, shall be ascertained and assessed in manner and form as provided by the ninth section of the act of Assembly entitled "An Act regulating Turnpike and Plank Road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

When may erect gates and collect tolls.

SECTION 5. That the North Philadelphia Plank Road company shall have the right of making any part of their road of the width of only fifty feet, and further shall have the right to fix gates on their road and collect toll under the provisions of the twelfth and other section

of the said act regulating turnpike and plank road companies, whenever three miles or more of their said road shall have been finished.

SECTION 6. That it shall be lawful for the qualified voters of the borough of Columbus, in the county of Warren, to hold their first election for justices of the peace, and other borough officers, under the act to which this is a supplement, on the first Monday in May, A. D. one thousand eight hundred and fifty-three, and that it shall be lawful for Nathaniel Stacy to act as judge, and George W. Bracken and Charles Hewitt as inspectors of said election, notice of which to be given by the constable of Columbus township, and that thereafter the elections for officers of said borough shall be held on the second Tuesday of February in each year, and at the school house on the west side of the creek in said borough.

Columbus borough, Warren county.

W. P. SCHELL,
Speaker of the House of Representatives.

JOHN C. KUNKEL,
Speaker of the Senate.

APPROVED—The twentieth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 364.

AN ACT

To incorporate the University of Free Medicine and Popular Knowledge, of Philadelphia; relative to the Tremont and Mount Eagle Railroad company; for the relief of Alexander M'Dowell.

WHEREAS, A large number of the medical graduates of our country stand ready to enlist themselves in the cause of free medicine, and it is the belief of many that the good of society, more especially the relief of suffering humanity, will be greatly promoted by instruction and enlightenment (in plain English) in the great matter of practical medicine in all its branches and bearings; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there be and hereby is erected and established in the city or county of Philadelphia, in this Commonwealth, an University of Free Medicine and Popular Knowledge, for the education of families and others in the various branches of practical medicine and useful knowledge, and for furnishing family or domestic remedies from under its own sanction and authority.

SECTION 2. That said university shall be under the direction, management and government of five trustees, (of whom the president of the institution shall be one,) who shall have power to delegate to the said president all powers which may be intrusted to them under this charter and the authority of the same, as far as relates to the financial

operations of said institution, the granting of diplomas, and generally the individual government and business of said university, and said power shall thenceforth become permanently vested in said president; said trustees shall have power to appoint one of their number to preside at the board meetings, and a majority present shall be a quorum and competent to transact business, and to fill vacancies in their own body, by and with the consent of the president of the university.

Quorum.

Trustees.

SECTION 3. That the first trustees of said university shall consist of the following persons:—John R. Rowand, president of the institution; Hector Orr, J. R. Flanigen, Henry K. Strong, and Daniel R. Ashton; which said trustees and their successors, to be appointed as often as occasion may require, by the votes of not less than three trustees, shall be forever hereafter, and they are hereby erected into and declared to be a body politic and corporate, with perpetual succession, and with all the incidents to a corporation, in deed and in law, to all intents and purposes whatsoever, under the name, style and title of the “University of Free Medicine and Popular Knowledge,” by which name and title they shall be capable at law of holding and conveying such real and personal estate as may be necessary for the objects of this incorporation, may sue and be sued, plead and be impleaded, in all courts of law and equity, may have a common seal, which they shall have power to alter and renew at pleasure, and may receive, execute and deliver all such instruments of writing, and do such acts and things necessary to promote the objects and designs of said institution, as authorized by this act.

Privileges.

Name and style.

Seal.

Common stock.

SECTION 4. That the preparations, medicinal substances, apparatus, appliances, et cetera, to be purchased, the remedies, finished or unfinished, the pamphlets, documents, books, et cetera, appertaining thereto, shall form a common stock, which may reach any sum not exceeding one hundred thousand dollars, may be divided into a convenient number of shares, and apportioned by the said trustees among subscribers to the said capital stock, according to their respective interests, for which certificates of stock shall be issued, and be transferable in such way, and subject to such conditions, as the said trustees may from time to time prescribe, and the said shares of stock so created shall be for all legal purposes whatever deemed and treated as personal estate.

Certificates of stock.

By-laws, officers, &c.

SECTION 5. That the board of trustees shall have full power to make by-laws, and to appoint such officers, professors, teachers, instructors and agents, as they shall deem expedient for the well conducting and transacting the business of the university, to declare and provide for the payment of dividends to the stockholders, and in general to superintend the business and concerns of said institution: *Provided*, That such by-laws shall not be repugnant to the constitution of this State or of the United States: *And provided also*, That said trustees may delegate to the president of the university the above powers and authority as far as relates to the electing and removing of officers, professors, teachers, instructors and agents, to the providing for the payment of dividends to the stockholders, and generally such other powers as they may deem proper and for the public good.

Proviso.

Proviso.

Tremont & Mt. Eagle railroad.

SECTION 6. That any railroad company authorized by law to connect with the Tremont and Mount Eagle railroad, in the county of Schuylkill, be and is hereby authorized to subscribe to the capital stock of said company, and any such railroad company so subscribing is hereby authorized and empowered to increase its capital stock to the amount so subscribed: *Provided*, That no subscription shall be made

Proviso.

exceeding an amount equal to twenty-five per cent. upon the capital stock of such company.

SECTION 7. That the twelfth section of the act of the twelfth day of April, A. D. one thousand eight hundred and fifty-two, shall be so construed as to release Alexander M'Dowell from the claim of the Commonwealth against him, upon the payment by the said Alexander M'Dowell of the original balance against him, as the same appears on the books of the Auditor General, without interest on the said original balance: *Provided*, The said principal shall be paid within thirty days after the passage of this act.

W. P. SCHELL,
Speaker of the House of Representatives.

JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The twenty-ninth day of April, A. D., eighteen hundred fifty-three.

WM. BIGLER.

No. 365.

AN ACT

Relative to the Susquehanna Canal company; and authorizing the Pittsburg and Steubenville Railroad company to borrow money; making an appropriation to the Eastern Penitentiary; relative to the estate of Charles H. Ball; to the sale of certain real estate; and to an Election District in Columbia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* if the Susquehanna Canal company shall at any time from and after the passage of this act, for the space of five days neglect to keep the dam across the Susquehanna river at the mouth of the Conestoga in good order and repair, so as to secure a safe and easy passage from the Conestoga navigation to the said Susquehanna canal, as required by the laws of this Commonwealth, upon information thereof being made by any person or persons to any justice of the peace of the county of Lancaster, or any alderman in and for the city of Lancaster, such justice of the peace or alderman of the city of Lancaster shall issue his precept, to be directed to any constable of the said county or city, commanding him to summon three disinterested persons to meet at a certain time in said precept to be mentioned, at the said dam, of which meeting notice shall be given to any keeper of any lock or other agent of the said Susquehanna canal company, and the said justice of the peace or alderman shall at such time and place, on the oath or affirmation of the said persons, inquire whether the said dam, or any part thereof, is in such good order and repair as is required according to the true intent and meaning of the act of Assembly and the laws of this Commonwealth, and shall cause an inquisition to be made, under the hands and seals of

Inquisition may himself and of the said three persons, or a majority of them, and if the issue to inquire said dam shall be found by the said inquisition to be out of good order into condition of and repair, contrary to the true intent and meaning of the act of dam. Assembly and of the laws of this Commonwealth, the said justice of the peace or alderman shall certify and send a copy of the said inquisition to the keeper of the out-let lock of the said Susquehanna canal company at the said dam, and if within three days thereafter the said company shall not proceed to repair the same, so as to secure a good, safe and easy passage across the said Susquehanna river, it shall be the duty of the said justice of the peace or alderman to put and place the same under contract for repair, at such prices as the same may be done for; and furthermore, to cause the same to be repaired and put into good order, so as to secure a good, safe and easy passage across the said Susquehanna river.

Copy of inquisition to be filed. SECTION 2. That the said justice of the peace or alderman, after the same is done, shall file a copy of the inquisition and an exhibit of the moneys expended for the repairs as aforesaid, into the office of the clerk of the court of quarter sessions of Lancaster county, and thereupon, shall issue his precept to any person or persons to be named by him, commanding him or them to take possession of the out-let lock of the said Susquehanna Canal company, and to receive the tolls until the costs and expenses as aforesaid shall have been fully paid.

Compensation to justice and witnesses. SECTION 3. That the said justice of the peace or alderman, and persons summoned, shall each receive one dollar and fifty cents per day for their service for each and every day actually employed in the business under this act, besides six cents per mile for each and every mile actually traveled by him and them in the performance of their said duties: *Provided, however,* That if it shall be found upon the inquisition that the dam was in good order and repair, and that it was not placed in such good order and repair after information, then and in such case the person or persons making the information shall be required to pay the costs, and suit may be brought against him or them for the same, in like manner as debts of a like amount are now by law recoverable.

Proviso. SECTION 4. That the Pittsburgh and Steubenville railroad company be and they are hereby authorized to borrow money, not exceeding the amount of the capital stock of said company, and to issue bonds therefor, in amounts not less than one hundred dollars, and to secure the payment of the principal and interest of the money so borrowed by a mortgage or mortgage upon the property and franchises of said company: *Provided,* That said loan shall not be subject to taxation until the clear profits of said company shall amount to six per cent. per annum.

Pittsburg and Steubenville railroad co., may borrow money. SECTION 5. That ten thousand dollars be and the same is hereby appropriated to the use of the Eastern penitentiary, said sum to be made use of for the purpose of making necessary repairs to said institution.

Eastern penitentiary, appropriation for repairs. SECTION 6. That the guardians for the time being of the person and estate of the children of Charles H. Ball, deceased, be and are hereby authorized to compromise and adjust all the claims and demands of every nature, present and expectant, of said minors, upon the estate of said Charles H. Ball: *Provided, nevertheless,* That no such proposed compromise or adjust shall be made or effected until after the same shall have been submitted to and approved by the orphans' court for the city and county of Philadelphia; and further, that for the purpose of compromising and adjusting or carrying into effect any compromise or adjustment of said claims or controversies, as aforesaid, the guar-

Charles H. Ball, deceased, authority to guardians of children of.

Proviso.

dians for the time being of the children of said Charles H. Ball shall be and are hereby authorized and empowered, for and in the name of said minors respectively, to grant, bargain, sell, convey and release, all or any part of the estate, right, title, interest, claim or demand, of any or all of said minors, of every nature, of, in and to all or any part of the real and personal estate of said Charles H. Ball, and so that the whole or any part of the estate of the said Charles H. Ball so conveyed, shall be free and discharge of all interest, claim and demand of the said minors, or any of them respectively, and their lien, and that the consideration received therefor shall be for the use and benefit of the said minors, their heirs and assigns: *Provided, nevertheless,* That no such sale, conveyance or transfer, shall be made by the said guardians, until the terms thereof shall have been submitted to and approved by the orphans court for the city and county of Philadelphia. Proviso.

SECTION 7. That William S. Thompson, James Warden, and John C. Jones, trustees of the Light Street Division number two hundred and twenty-two of the Sons of Temperance, or either of them, are hereby authorized, under the direction of said association, to sell and convey by deed a certain lot of ground situate in Bloom township, Columbia county, conveyed to said trustees by Peter Schug and wife, by deed bearing date the twenty-eighth day of January, A. D. one thousand eight hundred and forty-eight, and distribute the net proceeds of such sale under the direction of said association, to and among the members thereof, in just proportion to the individual interest of said members in such property, in connection with the winding up and settling the affairs of said association. Sons of Temperance, Light st., division No 2, trustees of authorized to sell real estate.

SECTION 8. That the general and township elections for Pine township, Columbia county, shall hereafter be held at the House of Albert Hunter, in said township. Pine tp., Columbia co., elections changed.

W. P. SCHELL,
Speaker of the House of Representatives.

JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The second day of May, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 366.

A SUPPLEMENT

To an act entitled "An Act to revise the militia system, and provide for the training of such only as shall be uniformed," passed April seventeen, one thousand eight hundred and forty-nine.

Battalion and regimental trainings to commence on second Monday in May.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the battalion and regimental trainings, as provided for by the fourth section of the act to which this is a supplement, shall commence on the second Monday in May, in each and every year, by order of the proper brigade inspector, and continue from day to day, until all the regiments and battalions have been inspected.

Assessors to return delinquent militiamen to brigade inspectors.

SECTION 2. That the several assessors within this Commonwealth, at the time when they make their return of the delinquent militiamen to the county commissioners, as required by the sixth section of the act to which this is a supplement, shall at the same time prepare and deliver to the proper brigade inspector a list of said delinquents, on or before the first Monday in June, in each and every year, for which said assessor shall receive, as a full compensation for such services, two cents for each person so returned, to be paid by the county treasurer out of the brigade military fund, and if said assessor neglects or refuses to perform the duties hereby enjoined, or shall return persons not subject to militia duty, within the meaning of this act, he shall be subject to the penalty of twenty-five dollars, to be sued for and collected by the proper brigade inspector, as other debts are by law recoverable, to be accounted for to the county treasurer as a part of the brigade military fund.

Final settlement of collectors of militia fines, when made.

SECTION 3. That the time fixed for the final settlement of the collectors of military fines with the county commissioners, as contemplated by the ninth section of the act to which this is a supplement, shall be on or before the first Monday in December, annually, and that no exonerations shall be made after that date, and any county commissioner who shall wilfully refuse or neglect to comply with the provisions of this act, or the eighth section of the act to which this is a supplement, shall be liable to a penalty of fifty dollars for each offence, to be sued for and recovered by the brigade inspector of the proper brigade, in the same manner that other debts of like amount are by law recoverable, the net proceeds whereof shall be paid to the county treasurer, to form a part of the brigade military fund.

Commanding officers of companies to furnish brigade inspectors with list of members, &c.

SECTION 4. That each commanding officer of a company shall, on or before the second Monday in May, in each and every year, furnish to the proper brigade inspector a list of the uniformed members of his company, and also a list of those who have become exempt from military duty, by having served the proper time with said company, and also a list of all the arms and other public property of the State, which may be in possession of said company, and any captain or commanding officer who neglects or refuses to furnish said lists, shall be deprived for that year of the sum authorized to be paid to the companies by the tenth section of the act to which this is a supplement.

SECTION 5. That before any commission shall issue to any brigade inspector, he shall give bond with sufficient sureties, to be approved by two of the judges of the court of common pleas in the county in which he resides, in the sum of one thousand dollars, conditioned for the faithful performance of his duties as brigade inspector, which bond shall be filed in the office for recording of deeds in and for the proper county, and a copy thereof sent to the Secretary of the Commonwealth.

Bond to be given by brigade inspectors.

SECTION 6. That the Adjutant General is hereby authorized to assign the precedence of corps, and the rank of officers, in such manner as to conform as nearly as possible to the regulations of the United States army, and it shall be his duty annually to insert in his report a register of the volunteer force of the State, which register shall contain lists of all general staff and regimental officers, with their relative rank, the number and force of regiments, battalions and unattached companies, and such other information as he may deem necessary.

Adjutant General to assign precedence of corps, &c.

SECTION 7. That the Adjutant General is hereby authorized and required from time to time, to draw up and submit to the Governor for his approbation, such rules and regulations for the government of the volunteer force of the State not inconsistent with law, as he may deem proper, which rules on being approved by the Governor, shall be binding upon all officers and soldiers until rescinded: *Provided*, That a sufficient number of copies of said rules shall be published to supply the wants of the service, the expense of which shall be paid by the State Treasurer out of the military fund, on the order of the Adjutant General: *And provided further*, That said rules shall be printed by the State printer, at the same rates as other public printing.

Adjutant General required to draw up rules, &c., for government of volunteers, &c.
Proviso.

SECTION 8. That it shall be the duty of each brigade inspector in this Commonwealth, annually to make out two complete statements in tabular form, of all the regiments and battalions, and the number and grade of each company in their brigade, under their proper head, with the names of all commissioned officers in the brigade, including the brigadier general and his staff, also all arms and accoutrements, military stores, camp equipage and musical instruments, that may be within such brigade, one copy of which shall be filed in his office, and the other be forwarded to the Adjutant General, on or before the first day of October in each and every year, and upon failure to perform this duty by any brigade inspector, the Adjutant General shall give notice to the proper county treasurer, whose duty it shall be to withhold the salary of such defaulting brigade inspector, and add it to the brigade military fund for the current year, and the twelfth section of the act to which this is a supplement is hereby repealed.

Brigade inspectors to make annual statement, &c.

SECTION 9. That in all cases where a vacancy shall happen in any military office by death, resignation or otherwise, such vacancy shall be supplied by election, which said election shall be held in the same manner as was the original election for said officer; and the election to fill a vacancy in the office of major general, shall be ordered by the senior brigadier general of the division; an election to fill a vacancy in the office of brigadier general shall be ordered by the proper major general; an election to fill a vacancy in the office of brigade inspector shall be ordered by the brigadier general of the proper brigade; and all other elections to fill vacancies shall be ordered by the brigade inspector of the brigade in which such vacancy may occur: *Provided*, That a vacancy in any staff office heretofore filled by the appointment of the proper major or brigadier general shall be filled by appointment as before, and not by election.

Vacancies, how supplied.

Proviso.

Duty of county treasurer.

SECTION 10. That it shall be the duty of the county treasurer to prepare annually, a statement of receipts and expenditures of the military fund of the said county, setting forth the amount received from each collector separately, and the amounts paid each person to whom money may be due, which statement, after being examined and passed by the county auditors, shall be published in the same manner that the other accounts of said county treasurer are now by law directed to be published, the expense whereof shall be paid out of the military fund of said county.

Duty of major general.

SECTION 11. That it shall be the duty of each major general of division to visit his brigades successively, taking them in their order according to their number, visiting at least one brigade in each year, and on or before the first day of October, annually, he shall cause a return to be made to the adjutant general, including himself and staff, with such observations as may be necessary regarding the condition of the military generally within his division.

Brigade inspector to transmit returns of elections to Secretary of Commonwealth.

SECTION 12. That the brigade inspector shall transmit all returns of elections and appointments of officers under this act, as soon as practicable, to the Secretary of the Commonwealth, and shall distribute to the proper officers all commissions received by him.

Commissions to issue immediately.

SECTION 13. That whenever the Secretary of the Commonwealth shall have received the returns of any elections or appointments made in pursuance of this act, commissions shall immediately be issued to the said officers respectively, to be sent to the proper brigade inspector, unless he shall have received notice that the election of any such officer is contested, in which case the commission shall be withheld until the contest shall have been decided, and then shall only issue to the officer lawfully elected; and every officer elected or appointed in pursuance of this act, shall have all the rights and authorities of an officer from the time of receiving notice of his election or appointment, (when his election is not contested), although not commissioned, except the brigade inspector, who shall have no authority until regularly commissioned.

Compensation of brigade inspectors.

SECTION 14. That the brigade inspector of each brigade shall hereafter receive the sum of ten dollars for each company which he shall annually inspect, whether said company be attached to battalion or regiment, or be unattached, and for the annual inspection of each battalion he shall receive fifteen dollars: *Provided*, That the compensation hereby allowed for inspection, and the compensation allowed by the act to which this is a supplement, shall not in any one year exceed the sum of one hundred and fifty dollars, and said inspector shall keep an accurate account of his postage on all public letters and documents sent and received, and also an account of all his public printing and stationary, and on or before the first Monday of November in each and every year, he shall furnish to the treasurer of the proper county a detailed statement of all such expenses, accompanied with the necessary vouchers and affidavits of its truth, and it shall be the duty of such treasurer, after examining such account, to pay such brigade inspector the amount of such bill, out of any unappropriated money in the brigades military fund.

Proviso.

Fines, &c., how collected.

SECTION 15. That the fines and forfeitures of officers, musicians, and privates of companies, for non-attendance on all days of training, shall be collected from delinquents by warrant, which warrant shall be delivered by the captains to a constable, who shall execute the

same, and whose bail shall be answerable for all fines and forfeitures collected by him, which warrant shall be in the following form :

The Commonwealth of Pennsylvania,

To A. B., Constable, greeting :

WHEREAS, The persons named in the schedule hereto annexed, Form of war-
have each become liable to pay the sum of _____ dollars, rant.
according to the by-laws of the company, this warrant therefor,
authorizes and requires you to demand and collect of each and every
such person the sum of _____ dollars, and in case of ne-
glect or refusal to pay the same, you are to levy and collect the same,
with costs, of the goods and chattels of each and every person, by
distress and sale thereof, returning the overplus, if any, to the owner :
Witwess my hand and seal, this _____ day of

Anno Domini one thousand eight hundred and

C. D., Captain.

SECTION 16. That the State Treasurer is hereby authorized to State Treasurer:
pay out of the aggregate military fund now accumulated, provided to pay defi-
by the tenth section of the said act to which this is a supplement, ciency out of
to the several county treasurers, any deficiencies of the county military military fund.
expenses, as therein provided in said counties of the Commonwealth,
wherein statements shall have been duly transmitted on or before
the first day of February in each year, to the State Treasurer, ac-
cording to law, notwithstanding one or more counties shall have
omitted to transmit statements to State Treasurer : *Provided, how-* Proviso.
ever, That said counties so neglecting or omitting to transmit said
statements, shall yet be entitled to be paid out of the remaining bal-
ance of said fund, at any time within three months thereafter, other-
wise the moneys so remaining in the State Treasury shall be absolutely
appropriated to the State debt.

SECTION 17. That so much of any law as may be altered or sup- Repealing
plied by this act, be and the same is hereby repealed, and that this act clause.
shall not be considered as affecting or impairing the provisions of an
act passed on the eighteenth day of March, A. D., one thousand eight
hundred and fifty-two, entitled "An Act for the encouragement of
the volunteers of the city and county of Philadelphia.

W. P. SCHELL,

Speaker of the House of Representatives.

JNO. C. KUNKEL,

Speaker of the Senate.

APPROVED—The thirtieth day of April, A. D. one thousand
eight hundred and fifty-three.

WM. BIGLER.

No. 367.

A N A C T

To incorporate the Washington Medical College, of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William S. Ernst, F. A. Fickhardt, D. C. McKibben, W. J. Smith, Samuel Rhem, William C. Foster, Michael Brown, Charles N. Robinson, William J. McCamman, James R. Reed, John K. Zeilin, John E. Latta, David C. McCamman, Henry Bley, John B. Woodward, Washington Wurts, Edward V. Lawrence, and Jacob S. Roberts, be and they are hereby incorporated into a body politic, under the name and style of the Washington Medical College of Philadelphia, for the purpose of instruction in medicine, surgery, and all the branches appertaining thereto; the said college to have the power of granting degrees and giving diplomas to all those who may comply with the rules and regulations thereof, and also to give a summer and winter course of lectures on the science of medicine; the said college to have all the immunities, rights and privileges granted to the allopathic colleges in the State of Pennsylvania, not inconsistent with the laws and constitution thereof.

W. P. SCHELL,
Speaker of the House of Representatives.

JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The second day of May, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

368.

A N A C T

To incorporate Saosquahanaunk Tribe number twelve, of the Improved Order of Red Men, of the borough of Harrisburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Matthew Spear, John Wallower, junior, Robert A. Lamberton, Jacob G. Colestock, Joseph P. Miller, Samuel Colestock, Isaac S. Waterbury, Samuel G. Wiestling, Philo C. Sedgwick, John Thomas, George B.

Corporators.

Laird, M. H. Stever, William T. Sanders, Findlay Osler, A. Jackson Herr, Collin M'Curdy, Benjamin Krieder, John Pyne, Samuel Murphy, Charles Dinwiddie, George McCauley, William Myers, John Garverick, Andrew Black, Aaron Barringer, and their successors, and all persons who now are or may hereafter be associated with them, be and are hereby erected into a body corporate, in deed and in law, by the name, style and title of "Saosquahanaunk Tribe number twelve, of the Improved Order of Red Men, of the borough of Harrisburg, and by that name to have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, and shall be capable in law and in equity to take and to hold, to them and their successors, either by grant, gift, devise, lease, or otherwise, any lands or real estate, and also to take and to hold, for the use of the tribe, any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise, bequest, or otherwise, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell, and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the affairs of the tribe: *Provided*, That the real estate of which the corporation shall at any time be possessed shall not exceed the clear yearly value of three thousand dollars. Name & style
Privileges.

SECTION 2. That the object of said corporation shall be to provide, erect and furnish a hall and suitable building in the borough of Harrisburg, for the accommodation of the members of Saosquahanaunk Tribe number twelve, of the Improved Order of Red Men, and such other tribes as may be established in said borough, to hold their meetings therein. Object.

SECTION 3. That it shall be lawful for said corporation to have a common seal, and the same at their will and pleasure to change, alter and renew, as they may think proper. Seal.

SECTION 4. That the trustees of this association, as chosen at such time and in such manner as the tribe by its by-laws shall provide, shall have the management and disposition of its affairs and property, as they shall be legally entrusted by said association, and they are hereby declared the proper persons to sign, seal and deliver conveyances of lands or real estate which may be sold by said association. Trustees.

SECTION 5. That the corporation shall have power and authority to make by-laws, conformable to this charter and not in violation of the constitution and laws of this Commonwealth or of the Union. By-laws.

SECTION 6. That the Legislature hereby reserves the right to alter, revoke or annul this charter, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done the corporators thereof. Reservation.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The second day of May, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 369.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Philadelphia Steam-Tug and Navigation company," passed the twelfth day of February, one thousand eight hundred and fifty.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Rights of Phila. Steam Tug Nav- igation co. the Philadelphia Steam-Tug and Navigation company shall have the right to transport coal, iron, and merchandise generally, and passengers, between the port of Philadelphia and ports and places of the other States.

Capital stock. *SECTION 2. That the said company is hereby empowered to increase its capital stock one hundred and fifty thousand dollars, and may borrow on mortgage or otherwise, a sum not to exceed two hundred thousand dollars, and may purchase or hire such steam or other vessels for its transportation purposes as may be requisite.*

W. P. SCHELL,
Speaker of the House of Representatives.

JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The second day of May, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 370.

AN ACT

To incorporate the Mutual Deposit Insurance Association of Philadelphia.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Corporators. Moses Johnston, Joseph H. Seal, T. Paulding, Charles W. Churchman, Edmund A. Souder, John Wilgand, James Traquair, William Martin, Edward C. Biddle, John C. Davis, James B. M'Farland, Edward T. Mott, William C. Ludwig, William Smith, Samuel E. Stokes, Joseph Price, Marmaduke Moore, John R. Penrose, W. Daltz, H. N. Corey, Joseph E. Temple, Joseph C. Henszey, James Bingham, John R. Barker, Thomas C. Hand, S. H. Albridge, Charles Havrestick, Joseph W. Cowan, John J. Huntzinger, H. E. Saulmer, Thomas S.

R. Fassett, J. M. Taylor, Richard Price, James Tennant, T. A. Johns, Thomas S. Newline, John C. Weber, John E. Addricks, James C. Hand, Milton J. Lukens, Samuel L. Creutzberg, William Ryan, Samuel Schober, N. A. Smith, William Martin, junior, of Philadelphia, and such other persons as may hereafter become associated with them, in the manner hereinafter provided, shall be and they are hereby created and declared to be a body politic and corporate, in law and in fact, and shall be known and styled the "Mutual Deposit Insurance Association of Philadelphia," and by such name have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere.

SECTION 2. That said association shall have power and authority to make contracts for insurance with any person or persons, or any body politic or corporate, against loss by fire, or loss from risks at sea, on board of vessels, steamers, or by inland navigation, and to receive all proposals or applications for insurance in writing, as a warranty on the part of those insuring, and to base policies of insurance thereon, and to incorporate the same as a part of the contract between the company and the insured, and for the purpose of defining the rights of each contracting party.

SECTION 3. The corporation hereby created shall have power and authority to receive on deposit specie, bullion, bank notes, and other property, from any and every person, copartnership, or body politic, upon such terms and in such manner as the said association may determine; and the said parties so depositing, shall thereby become members of the said corporation, and be entitled to all the rights and privileges thereof, during such time as there may remain a balance to their credit upon the books of the said association.

SECTION 4. Suits at law may be prosecuted and maintained by any member of said corporation for claims against the same, if payment thereof be withheld.

SECTION 5. It may and shall be lawful for said corporation to loan the funds and money on deposit to such person or persons as they may deem expedient, or invest the same in stocks, ground rents, bonds and mortgages, or other securities, and it shall also be lawful for said corporation to purchase, receive, have and hold, to them and their successors, lands and tenements, hereditaments, goods and chattels, of whatever nature, kind or quality soever, real, personal and mixed, and the same from time to time to sell, demise, grant, alien or dispose of: *Provided*, That the real estate shall only be such as shall be necessary to accommodate the said corporation for the convenient transaction of its business, or shall be purchased, taken or held, to secure the payment of any debt due the association: *Provided also*, That the said corporation shall not issue any paper, bill or note, of the nature of bank notes.

SECTION 6. The directors shall annually in the month of January cause the affairs and accounts of the institute to be examined and balanced, and the profits or loss of the business ascertained, when, if there shall be a surplus, after deducting the losses, expenses, interest on the guarantee capital, and six per cent. upon the scrip certificates of the corporation, the same shall be divided among the members thereof, in proportion to the respective average balances at their credit on the books of the association for the year preceding the same; within thirty days after the declaration of the dividend, as aforesaid, the officers of the association shall cause to be prepared and published in at least two

Powers and
privileges.

May receive
deposits.

May loan funds,
&c. on deposit,
or invest in
stocks, &c.

Provido.

Provido.

Dividends of
profits to be de-
clared.

Statement of
affairs to be
published.

daily newspapers of the city or county of Philadelphia, a statement of its affairs, containing

I. The amount due depositors, and other liabilities.

II. The sum incurred for expenses during the preceding year, and amount of loss for same period.

III. The balance of surplus profit remaining with the association represented by scrip.

IV. The total amount of investments and nature thereof, specifying respectively the several sums invested in real estate, stocks, bills receivable, bills of exchange, and other securities, with amount of cash on hand.

Dividends to be made in scrip certificates.

SECTION 7. The said dividend to be made in scrip certificates, bearing an annual interest of six per cent. and to express on the face thereof the purpose for which they are issued, the date of the dividend of which they are evidence, and the liability of the same for losses; when the scrip representing said dividends of surplus shall exceed the sum of five hundred thousand dollars, such excess may be paid off or redeemed by the corporation, if deemed advisable by the board of directors, and in such case the scrip first issued shall be first provided for, and all claim or right to any interest thereon, shall cease upon two weeks notice in two daily newspapers published in Philadelphia, that the company will redeem the same: *Provided*, That the scrip of the corporation shall not be paid off or reduced at any time to a sum less than five hundred thousand dollars, except for losses, as provided herein.

Proviso.

In case of loss, scrip certificates to be reduced or cancelled.

SECTION 8. When the business of any year shall result in loss, the board of directors shall have power and authority to call in the scrip certificates of the corporation, and reduce the same pro rata, in a sum equal to the amount of such loss, and to issue new certificates for the balance thereof, and should said loss equal the total amount of all the scrip issued by the association, said directors shall have power to cancel the whole thereof, and if at any time the losses of the corporation shall exceed the sum of the scrip and other profits thereof, the excess shall be provided for out of the guarantee capital, as hereinafter directed.

Elections to be by ballot.

SECTION 9. That at all elections for directors of the said corporation, the votes of the members shall be by ballot; for every one hundred dollars of the average balance to the credit of any member on the books of the said corporation for the year preceding said election, they shall be entitled to one vote.

Directors.

SECTION 10. The affairs of the association shall be managed by fifteen directors, the first named fifteen persons in section first of this act to constitute the first board thereof, until the first Monday in July, one thousand eight hundred and fifty-four, when on that day, between the hours of ten o'clock ante-meridian, and three o'clock post meridian, and annually thereafter, that number shall be chosen from among the members of the corporation to perform said duty, and the directors so constituted and elected shall appoint a president, vice president, secretary and treasurer, and such other officers and agents as they may deem necessary for conducting the business of the association, who shall perform the duties of their respective offices until they are re-elected, removed from office, or their successors shall be chosen; the said directors shall allow the officers and agents so appointed such compensation for their services respectively, as shall be deemed reasonable and proper; in case of death or resignation of any director, the vacancy occasioned thereby may be filled by the remaining directors.

Officers.

Compensation.

SECTION 11. The directors of said corporation shall have power and authority to make, ordain, establish and put into execution such by-laws, ordinances and regulations as shall appear to them necessary and convenient for the management and government of said corporation and its affairs, not being contrary to the constitution or laws of the United States or of this State, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation and the due management and ordering of the funds and affairs thereof, and to make and have a common seal for said association, and the same to break, alter and renew at pleasure.

SECTION 12. No certificate shall be issued to, nor transfer thereof be permitted, by any person, party or corporation, during their indebtedness to the association, unless otherwise ordered by the board of directors thereof; said certificates shall be subject to and bound by any judgment the association may obtain against the holder thereof, and the interest of such holder may be sold under an execution issued on said judgment, as any other species of personal chattels; no certificate shall issue for any dividend of said surplus, unless demanded by the party entitled thereto, within five years after the declaration of the dividend whereof it is evidence, but the amount thereof shall be and remain with the said corporation.

SECTION 13. The board of directors of the association shall have power and authority to receive from time to time notes and other securities, real or personal, from any person or persons or corporation they may deem proper, and to have and hold the same, under such rules and regulations as they may adopt for the purpose of securing and protecting the depositors and creditors of the institute from loss, and for the guarantee thus afforded, such compensation may be allowed as shall be agreed upon between the parties.

W. P. SCHELL,
Speaker of the House of Representatives.
 JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The twenty-ninth day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 371.

AN ACT

To annul the Marriage Contract between Craig Walker and Prudence J. his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between Craig Walker and Prudence J. his wife, both of the county of Allegheny, be and the same is hereby annulled and made void, and the parties released and discharged*

from said contract, and from the duties and obligations arising therefrom, as fully, effectually and absolutely, as if they never had been joined in marriage.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-ninth day of April, A. D. eighteen hundred fifty-three.

WM. BIGLER.

No. 372.

AN ACT

To annul the Marriage Contract between John Abernethy, and Isabella his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between John Abernethy and Isabella his wife, both late of the county of Allegheny, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from the duties and obligations arising therefrom, as fully, effectually and absolutely, as if they never had been joined in marriage.*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-ninth day of April, A. D. eighteen hundred fifty-three.

WM. BIGLER.

No. 373.

AN ACT

Incorporating the Citizens' Deposit Bank of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William Dawson, James D. Kelly, Andrew McMaster, Samuel Morrow, Corporators. Jacob Hays, Robert Bruce, junior, and Francis Sellars, together with the other persons who do now constitute the stockholders of the Citizens' Deposit Bank of Pittsburg, or such persons as shall hereafter become stockholders of the same, shall be and are hereby created a corporation and body politic by the name and style of the "Citizens' Deposit Bank of Pittsburg," and shall so continue until the first day of April, Anno Domini one thousand eight hundred and sixty-five, and by that name shall and may sue and be sued, plead and be impleaded, defend Privileges. and be defended, and by that name are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors, such real estate as may be necessary for the transaction of their business, not exceeding in value twenty-five thousand dollars, except such as may be held by said company as security for debts, and the same to sell, grant, mortgage or demise; also to make, have and use a common seal, and the same to alter and renew at plea- Seal. sure, and also to establish and put in execution all such by-laws and By-laws. regulations as they shall deem necessary for governing and regulating said company.

SECTION 2. That the joint stock and all the goods, chattels, money, Stock, goods, debts, and other property, real or personal, now belonging or due and chattels, &c. payable to or to become due and payable to, or held in trust for the vested in corpo- said company, shall be and the same are hereby transferred to and vested in the corporation hereby created, and all contracts made with the said company, or any person or persons for their use, shall enure and operate for the benefit of, and be performed to and with the said corporation, and the said corporation shall be liable for all contracts entered into by said company before the passage of this act: *Provided*, That Proviso. this section shall not be construed so as to exonerate the stockholders from their liability for all debts contracted previous to the passage of this act.

SECTION 3. That the capital stock of said company shall be two hun- Capital stock. dred thousand dollars, to be divided into four thousand shares of fifty dollars each, which shall be paid in in such instalments as the said corporation shall by their by-laws direct: *Provided*, That the said Proviso. corporation may commence operations as soon as twenty-five thousand dollars of the capital stock shall have been paid in.

SECTION 4. That the affairs of said company shall be conducted by Officers. a president and six directors, to be chosen as hereinafter directed and provided for; that the said president and directors, or a majority of them, shall elect a treasurer, and such other officers as they may deem necessary, and fix the compensation of the same, and all officers shall give bond, with good sureties, in such sums as may be required by said board, for the faithful performance of their several duties.

SECTION 5. That the said company shall keep their office in some suitable place in the city of Pittsburg, and on the first Monday of April

Office to be kept after the acceptance of this charter, and on the first Monday of April in city of Pittsburg- annually thereafter, after two weeks previous notice, the stockholders shall convene at the office of the company, and by ballot elect one person for president, and six persons for directors, who shall continue in

Officers, elections for how to be governed. office for one year: that in the election for office the said stockholders shall be governed by the general laws of the Commonwealth regulating the manner of conducting elections in banks and savings institutions, and the number of votes to which the several stockholders shall be entitled, so far as the same may be applicable: *Provided, however,*

Proviso.

Vacancies how supplied.

That no person shall be elected to any office in said company who is not a stockholder therein, nor any person who is a director or officer in any other banking institution or saving fund company, or broker; and that all vacancies occasioned by death, resignation or refusal to serve, shall be supplied in such manner as said company may by by-laws direct.

What lands, &c. company may hold.

SECTION 6. That the lands, tenements and hereditaments made lawful by this act for said company to receive, hold, and dispose of, by sale or otherwise, shall only be such as are requisite for its accommodation in the transaction of the business of the company, and such as shall be bona fide mortgaged or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased when the same may be necessary to secure any debts due to said corporation:

Proviso.

And provided further, That the said corporation shall not, of itself or by or through any person whatsoever, in trust or in confidence, deal or trade in buying or selling any goods, wares or merchandise whatsoever, except in such goods as are really and truly transferred to them in payment of debts or in security of loan, or which goods may be the produce of lands owned by them: *Provided,* That nothing herein contained shall be so construed as to authorize said company to loan money on the pledge or hypothecation of any goods, wares or merchandise whatever.

Proviso.

That the said corporation shall not, of itself or by or through any person whatsoever, in trust or in confidence, deal or trade in buying or selling any goods, wares or merchandise whatsoever, except in such goods as are really and truly transferred to them in payment of debts or in security of loan, or which goods may be the produce of lands owned by them: *Provided,* That nothing herein contained shall be so construed as to authorize said company to loan money on the pledge or hypothecation of any goods, wares or merchandise whatever.

Deposits.

SECTION 7. That it shall be lawful for the said corporation to receive deposits of money and loan out the same, together with any other moneys they may have, by discounting negotiable notes, drafts, and bills of exchange, and to issue certificates for such deposits: *Provided,* That the rate of discount at which loans may be made by the said institution shall not exceed one-half of one per centum for thirty days.

Proviso.

SECTION 8. That said 'Citizens' Deposit Bank shall be subject to the provisions and restrictions of an act entitled "An Act regulating Banks," approved April sixteenth, one thousand eight hundred and fifty, as far as they are applicable thereto, and subject also to such further provisions and restrictions as the Legislature may think proper to enact for the further regulation of Banks and Savings Institutions: *Provided, however,* That said bank shall not have authority to make, issue, and put in circulation, notes or bills commonly known and called bank notes.

Proviso.

Right to annul act reserved.

SECTION 9. That the power to alter, revoke or annul this charter, is hereby reserved to the Legislature, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators thereof.

W. P. SCHELL,

Speaker of the House of Representatives.

JNO. C. KUNKEL,

Speaker of the Senate.

APPROVED—The twenty-ninth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 374.

AN ACT

To incorporate the the Odd Fellows' Hall Association of Catawissa, in Columbia county; to the election of District Attorney in the county of Dauphin; supplementary to the act passed 18th April, 1794, incorporating the district of Southwark, in the county of Philadelphia; relative to the Shamokin Steam Ferry and Tow-boat company; to Liens in the county of Huntingdon; repealing the act authorizing the opening of Marion avenue, in Blockley township, Philadelphia county; to an Election District in Fayette county; relative to Pedler Licenses in Beaver county; to lay out a State road from New Alexandria and Johnstown road, at or near school house No. 7, in Derry township, in Westmoreland county; to, Blairsville Indiana county; authorizing the Surveyor General to issue certain papers to William S. M'Clain; confirming a certain deed made by James, A. Kneass; to the election of School Directors in Penn township, Philadelphia county.

WHEREAS, Certain citizens of this Commonwealth hereinafter named, have associated together for the purpose of erecting an Odd Fellows' Hall in the town of Cattawissa, Columbia county, and wish to, with certain moneys to be raised by issuing certificates of stock and certificates of loan, to purchase a lot or piece of ground in the town of Cattawissa, and erect on the same a large and commodious hall for the accommodation of the order of Odd Fellows and the citizens of Cattawissa; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Benjamin P. Fortner, John Sharpless, John K. Robbins, Benjamin P. Frick, Christian G. Brobst, Solomon Helwig, Jeremiah Pen Fincher, Abel Thomas, Levi Keiler, David Rahn, Clinton Ellis, William Hartman, and their successors, and all persons who are now or may be hereafter associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Odd Fellows' Hall Association of Cattawissa," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, and elsewhere, and shall be able and capable in law and equity to take and hold, to them and their successors, either by gift, grant, devise or lease, any lands or real estate for the use of the said association, and also to take and hold, for the use of the said association, any goods and chattels, sum or sums of money, by gift, grant, bargain and sale, will, devise or bequest, for any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain, sell or lease, for the use of the said association, and generally to do and perform all and singular the matters and things which shall be lawful for them to do and perform for the well-being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall at any time be possessed, shall not exceed the clear yearly value of five thousand dollars: *And provided also*, That the certificates of stock and certificates of loan to be issued for the purpose hereinafter mentioned, shall be assumed by the said Odd Fellows' Hall Association of Cattawissa, who shall pay all interest on loans made by the said association, and redeem the same whenever they shall become due and payable.

Trustees.

SECTION 2. That the stockholders shall meet annually on the last Saturday in December in each year, and choose by ballot five trustees, who shall serve until their successors are elected; a majority of the whole number of votes polled shall constitute a choice, and in the event of a failure to elect any of the said trustees at any regular election, or in case there shall be a vacancy or vacancies in the board of trustees, growing out of any cause whatsoever, such action shall be taken as the said association shall by its by-laws provide; at the first meeting of the trustees after their election in each year, they shall elect from their body a president, secretary and treasurer, and such other officers as the business of the corporation may require.

Officers.

Seal.

SECTION 3 That it shall and may be lawful for the said corporation to have a common seal, and the same at their will and pleasure to change, alter and renew, as they may think proper, and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed.

Government
vested in trustees.

SECTION 4. That the government of the said association, and the management and disposition of its affairs and the property, shall be vested in said board of trustees.

By-laws.

SECTION 5. That the corporation shall have power and authority to make by-laws, conformable to this charter and not inconsistent with the laws of the United States or of this Commonwealth.

Reservation.

SECTION 6. That the Legislature hereby reserves the right to alter, revoke or annul the charter of the said Odd Fellows' Hall Association of the town of Cattawissa, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators.

District Attorneys,
part of act
relative to re-
pealed.

SECTION 7. That so much of the act of the third of May, one thousand eight hundred and fifty, as provides for the election of district attorney, and which requires them to have been two years admitted to the bar, be and the same is hereby repealed, so far as it extends to the county of Dauphin.

Walls & fences
when regulated,
penalty for deviation from.

SECTION 8. That where walls or fences have been set out and regulated under the act to which this is a supplement, and not appealed from, as provided in said act and the several supplements thereto, any person, as well employee as master builder, who shall deviate in the erection of said walls or fences from the line fixed by the regulators, and being convicted thereof in the court of quarter sessions for the said county, shall forfeit the sum of eighty dollars to the commissioners and inhabitants of said district, to be laid out in making or amending the public streets, together with costs.

Notice of appeals,
to be given to regulators.

SECTION 9. That no appeal from any award of the regulators of the said district of Southwark hereafter made, shall be valid, unless notice be given to the said regulators, under seal of the court, within thirty-five days after the order, direction, or award, shall have been made, and until due proof of the service of said notice shall be exhibited, to the satisfaction of the said court.

No wall, &c. to be erected while an appeal is pending.

SECTION 10. That while an appeal is pending, no wall, fence, or other building, shall be erected or set up on any line set forth in the appeal, and it shall be the duty of the judges of the court of common pleas to issue an injunction, and forthwith stop the erection of any such wall, fence or building so erecting.

Commissioners.

SECTION 11. That Jacob B. Masser, Ira T. Clement, Henry Donnell, William H. Marshall, Peter Boughner, Francis W. Hughes, Charles W. Higgins, or a majority of them, be and are hereby appointed commissioners in lieu of those named in the act to which this is a sup-

plement, approved the third day of April, eighteen hundred and forty-six, entitled "An Act authorizing the Governor to incorporate the Shamokin Steam Ferry and Tow-boat company; to do and perform the several things therein mentioned, and the books for subscription to the stock of the said company shall be opened on or before the first Monday of August next, at the public house of James Covert, in Sunbury, and the capital stock of said company shall consist of one thousand shares, of twenty dollars each.

Shamokin
Steam Ferry
Tow boat co.

SECTION 12. That from and after the first day of September, one thousand eight hundred and fifty-three, in all cases where a lien or liens have been entered in the county of Huntingdon, whether the same be by judgment, mortgage, or otherwise, which shall be and remain a lien or liens on real estate in the county of Blair, the persons having and owning such lien or liens, and wishing to proceed on, secure or enforce the payment or collection of the same, the same not being a lien or liens on real estate in the county of Huntingdon, or it is proposed to enforce collection of the same out of real estate within the limits of the county of Blair, shall proceed to secure and enforce payment and collection of such lien or liens in the county of Blair alone, and not otherwise: *Provided*, Nothing in this section shall be so construed as in any way or manner to effect or impair the lien of any judgment, mortgage, or any other lien in the county of Huntingdon.

Liens in the
counties of
Huntingdon and
Blair.

Proviso.

SECTION 13 That so much of the act of Assembly of this Commonwealth, entitled "An Act supplementary to an act entitled 'An Act to provide for the election of commissioners for opening and repairing the public highways in Blockley township, Philadelphia county, and for other purposes,' approved March eleventh, Anno Domini one thousand eight hundred forty-five; the Belmont and Oghquaga Turnpike road; and the pay of the directors of the poor of Franklin county; and to open and extend North Queen and Lime streets in the city of Lancaster," approved the sixth day of April, Anno Domini one thousand eight hundred and fifty, as authorizes the opening of so much of Marion avenue, in Blockley township, Philadelphia county, as lies between the Falls road or River street and Haverford road or street, be and the same is hereby repealed: *Provided*, That the commissioners of the district of West Philadelphia shall first give their assent to the vacation of said avenue.

Act authorizing
the opening of
Marion avenue,
repealed.

Proviso.

SECTION 14. That the general, special and township elections in the township of Tyrone, county of Fayette, shall hereafter be held at the school house in said township known as Cochran's school house.

Place of elec-
tions changed.

SECTION 15. That the provisions of section ninth of the act entitled "An Act relating to the Towanda Plank Road company; to hawkers and pedlers in Bradford and Beaver counties," be so construed as to limit license granted to but one year, unless renewed by annual payment of thirty dollars to county treasurer: *Provided, however*, Indigent, decrepid persons vending in said county of Beaver, shall be and are hereby excepted from the provisions of said section.

License to ped-
lers in Bradford
and Beaver co's,
act how to be
construed.
Proviso.

SECTION 16. That John Morrison, Edward Layton, C. Livengood, S. L. Morford, James Rutledge, of Westmoreland county, be and they are hereby appointed commissioners, to do certain matters and things as is specified and described in the following sections of this act.

Commissioners.

SECTION 17. That it shall be the duty of the said board of commissioners, or a majority of them, after being sworn or affirmed by a justice of the peace to perform the duties enjoined on them by this act with fidelity and impartiality, to meet at some point fixed by themselves, on or before the first Tuesday in May, one thousand eight hundred and

Duties of
Commissioners.

fifty-three, and proceed to view and explore the different routes that may be considered practicable for a State road of the character from the New Alexandria and Johnstown road, at or near school house number seven, in Derry township, Westmoreland county, to a point at or near Blairsville, in Indiana county, and to determine on the most practicable route, having regard to the shortest distance, the least injury to private property, and the public good.

Surveyor, &c. to be appointed, and their duties. SECTION 18. That it shall be the duty of said commissioners to appoint one of themselves who is an artist, or some other fit surveyor, who shall take to his assistance two chain-bearers and one axe-man, and proceed immediately after the adoption of the route to survey and grade the same, as near a straight line as possible, thirty-three feet in width, and not to exceed at any point four degrees from a horizontal line, except crossing ravines and streams, when by moderate excavation, filling or bridging, the declination may be preserved within that limit.

Location of road. SECTION 19. That it shall be the duty of the artist plainly and distinctly to mark the location of said road, and make out two fair and accurate drafts of the same, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, and such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first Tuesday of January, Anno Domini one thousand eight hundred and fifty-four, and one copy in the office of the clerk of the county of Westmoreland, on or before the day aforesaid, which shall be record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts: *Provided, however,* It may be opened under the direction of the artist, in case there is no additional expense on the counties or townships.

When road to be opened. SECTION 20. That said commissioners shall have power to vacate so much of any road as may be supplied by the new one, if it should appear expedient so to do, and in case access to any branch or lateral road may be obstructed by vacating any part of roads so supplied, it shall be the duty of the artist to connect all such lateral or cross roads with the main line of road, and show the connection in the drafts aforesaid.

Other roads may be vacated. SECTION 21. That it shall be the duty of the commissioners to endeavor to procure from the persons through whose land such location may be made, releases for all claims of damages that might arise from opening the same, and in every case where said commissioners shall fail to procure such releases, and it shall appear to them that any damages will be sustained, they shall assess the damages, and make report thereof, signed by a majority of them, and return the same, together with all releases obtained, to the court of quarter sessions of the county in which such damages may accrue.

Releases. SECTION 22. That if any vacancy should occur by resignation or otherwise, in the board of commissioners, the remaining members of the board shall call to their assistance a suitable person, who, when sworn or affirmed, shall have the same power as though he had been named in this act.

Damages. SECTION 23. That the commissioners and artist shall receive for their services one dollar and fifty cents for each day engaged in the discharge of the several duties enjoined on them by this act, and the chain-bearers and axeman shall each receive one dollar per day for each day on

Vacancies how supplied.

Compensation.

service in locating said road; the accounts of the commissioners, surveyor, chain bearers and axeman, shall be made out and returned to the commissioners of each county, in proportion to the time spent in viewing and locating said road, and the said accounts shall be paid out of the treasury of the respective counties, on warrants drawn in the usual way. Accounts how to settled

SECTION 24. That the supervisors of roads in the township or townships through which this road may pass, are authorized and required to apply to at least one-half of the tax assessed for road purposes on property lying and being within one mile of said road each year, until it is made good. Road tax how to be applied.

SECTION 25. That the Surveyor General be and is hereby authorized to make out and issue to William S. M'Clain, such papers as may be necessary to vest in him the right and title to certain land, for which a warrant was granted, November fourteenth, one thousand eight hundred and thirty-eight, to Andrew Purder and William M'Clain, the said William S. M'Clain paying therefor all usual fees and charges. Title to certain land to vest in W. S. McClain.

SECTION 26. WHEREAS, by a certain indenture executed by Henry Horn, on the ninth of April, one thousand eight hundred and forty, and duly recorded in the office for recording of deeds at Philadelphia, certain property therein specified was conveyed unto Robert Kneass, in trust, for the use and benefit of Margaret Kneass : Preamble.

And whereas, It was provided by the said deed that it shall and may be lawful to and for the said Margaret Kneass, whether covert or sale, at any time or times hereafter, by any writing or writings, under her hand and seal, and attested by two or more credible witnesses, to alter, revoke, annul and destroy all and every the trusts, and to declare, direct and appoint other trusts : Preamble.

And whereas, The court of common pleas in and for the city and county of Philadelphia, have appointed James A. Kneass trustee in the place of Robert Kneass, who has removed from this Commonwealth : Preamble.

And Whereas, The said Margaret Kneass has revoked the trusts named in the aforesaid mentioned deed, and has appointed and declared other trusts; therefore, Preamble.

Be it enacted, That the deed made on the twelfth day of February, Anno Domini one thousand eight hundred and fifty-three, by James A. Kneass, trustee of Margaret Kneass, with the written consent of her the said Margaret Kneass thereto, to Jacob B. Mifflin, be and the same is hereby confirmed and made valid. Certain deed to Jacob Mifflin confirmed.

SECTION 27. That on the third Friday of March next, the qualified voters of Penn township shall elect three persons to serve as school directors in addition to those authorized by law, and to be elected to serve as follows : one for one year, one for two years, and one for three years, and the present school directors of said township shall appoint three persons to serve as directors until said election. Penn tp., authorized to elect additional school directors.

W. P. SCHELL,
Speaker of the House of Representatives.
JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The second day of May, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 375.

AN ACT

To incorporate the Woodbury and Broad Top Turnpike or Plank Road company; relative to sale of a school house in Fulton county; extending the provisions of the second section of the act regulating Boroughs to the borough of Pine Grove, Schuylkill county; extending the provisions of the act to encourage Manufacturing Operations to the manufacture of flour and meal, in the counties of Philadelphia and Beaver; to the will of Jacob Moyer, deceased, of Bedford county; to prohibit the keeping of Bagatelle Rooms in Allegheny county; relative to the mill-dam of M. M'Cullough, of Allegheny county; authorizing the Pennsylvania Railroad company to construct a line of Telegraph along their road; and refunding certain money to Wunderlich and Nead, of Franklin county.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Commissioners. Henry Fluck, George Potter, Jacob A. Niedemas, George Roads, Jacob Snider, Joseph Crisman, Henry Kelly, Michael L. Putt, John Long, C. W. Ashcom, and Jacob Brenamen, or any five of them, be appointed commissioners, to open books, receive subscriptions and

Style. organize a company, by the name, style and title of "The Woodbury and Broad Top Turnpike or Plank Road company," with power to

Location. construct a turnpike or plank road, commencing at Woodbury, in the county of Bedford, and from thence the nearest and best route through Rarer's Gap, to the proposed railroad at or near Stonerstown, in said

Subject to provisions of certain act. county, subject to all the provisions and restrictions of an act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

SECTION 2. That the capital stock of said company shall consist of four hundred and eighty shares, at twenty-five dollars each: Provided, That the said company may, from time to time, by a vote of the stockholders, at a meeting called for the purpose, increase their capital stock, if it shall be deemed necessary to carry out the intent and meaning of this act.

Capital stock. Proviso.

SECTION 3. That whenever said company shall have finished two miles or more of said road, they shall have power to erect gates and receive tolls, agreeable to the conditions and restrictions of sections twelve and thirteen of an act approved the twenty-sixth day of January, one thousand eight hundred forty-nine.

When may take tolls.

SECTION 4. That if said company shall not commence the construction of said road within four years, and complete the same within ten years from and after the passage of this act, this act shall be null and void except so far as may be necessary to wind up the affairs of said company.

Commencement and completion of road.

SECTION 5. That the sale of school house number five, situated in Licking Creek township, Fulton county, Pennsylvania, made by the school directors of the township, county and State aforesaid, together with one acre of land, being part of a tract of land formerly owned by James Austin, deceased, to Rowland and James C. Austin, in the year one thousand eight hundred and fifty-two, be and the same is hereby confirmed, and the said directors are hereby authorized to make, exe-

Sale of a school house in Licking Creek tp., Fulton county confirmed.

cute and deliver a deed therefor to the said Rowland and James C. Austin.

SECTION 6. That the second section of the act regulating boroughs, Borough of Pine Grove, Schuylkill county. passed April third, one thousand eight hundred and fifty-one, is hereby extended to the borough of Pine Grove, in the county of Schuylkill.

SECTION 7. That the provisions of an act entitled "An Act to encourage Manufacturing operations in this Commonwealth," approved Manufacturing law extended. the seventh day of April, one thousand eight hundred and forty-nine, be and the same is hereby extended to the manufacture of flour and meal from wheat, rye, corn or other grain, in the counties of Philadelphia and Beaver.

SECTION 8. That from and after the passage of this act, it shall be the duty of the Prothonotary of the court of common pleas of Bedford county, to enter upon the proper docket of the said court at length, the proceedings, evidence, depositions, and decree of the said court, in the matter of the paper purporting to be the last will and testament of Decease &c. in certain case in Bedford co., to be entered on docket, and be evidence. Jacob Moyer, late of Hopewell township, in said county, deceased, number sixteen, of August term, one thousand eight hundred and twenty-six, wherein Ira D. Piper and Jacob Griffith, executors named in the said paper purporting to be the last will and testament of the said Jacob Moyer, deceased, were plaintiffs, and Jacob Moyer, Jr., were defendants, and that hereafter any action or actions in relation to the land or any part thereof of the said Jacob Moyer, deceased, the said record or a certified copy thereof shall be evidence in any of the courts of this Commonwealth.

SECTION 9. That hereafter no person shall keep a bagatelle room in the county of Allegheny, without first taking from the treasurer of the said county a license, for which he or she shall pay as follows: for every such license granted by the treasurer of the county, the sum of five dollars for each bagatelle table, together with the sum of fifty cents to the treasurer as a fee for his certificate of license, and the further sum of thirty-seven and a half cents as a fee to the mercantile appraiser for his return, as hereinafter provided, and no such license shall be granted for a longer period than one year, and any person keeping such bagatelle rooms or tables, for purpose of play, without a license, shall on conviction thereof in the court of quarter sessions of the proper county, be punished by a fine not less than ten dollars nor more than one hundred dollars: *Provided*, That this section shall not be construed to prohibit the use of such tables in hospitals, asylums, or other institutions, for the insane and diseased. Bagatelle rooms in Allegheny co., license of.

SECTION 10. That the mercantile appraiser shall make return to the county treasurer of all persons keeping such tables at the time of making his annual returns, as provided for by law, except the present year, which return of the keepers of such tables shall be made on the first Monday of June. Mercantile appraiser to make returns of such tables.

SECTION 11. All monies due or becoming due to the Commonwealth for taxes or licenses, shall be made to the treasurer of the proper county, who shall make return to the State Treasurer, as heretofore provided for by law. Returns of state taxes, how to be made.

SECTION 12. That from and after the passage of this act, M. McCullough be and is hereby empowered to reconstruct his mill dam, situate in the borough of Lawrenceville, Allegheny county, by elevating the same three feet. M. McCullough authorized to raise mill dam.

SECTION 13. That the Pennsylvania Railroad company be and they are hereby authorized to make and construct a line of telegraph wires along and adjacent to the line of their railroad, from the city of Pittsburg

Penna. railroad company authorized to construct a line of telegraph.

Proviso.

to Harrisburg, and from Harrisburg connecting with the former, to the city of Philadelphia, along and adjacent to the line of the Harrisburg and Lancaster, and Philadelphia and Columbia railroads; and for the purpose of making, erecting and constructing the same, the said company or their agents are hereby authorized to enter and go upon the premises of any person or persons, and erect posts, and use any tree for the purpose of suspending their wires, and construct the same: *Provided*, The said company shall not erect posts for the reception of said wires more than five feet from the tracks of said railroads, without the consent of owner or owners of the land through which said railroads pass, nor shall they cut down or destroy trees or other property, without tendering full compensation therefor, and to make and use branches from the main line to any of their stations, and to use the same for telegraphic communication, for themselves and the use of the company, and to enter at any time upon the property on which their said line is constructed for general or special repair of any part or all of their said line, and to suspend their wires on any part of the public improvements along said line; and in case of damage done to any individual, they may be sued for the same in any of the courts of this Commonwealth, for the damage actually sustained; *Provided*, That the consent of the Canal Commissioners be first had.

Proviso.

Injuries to line, penalty for.

SECTION 14. That any person or persons who shall wilfully cut, break, injure, destroy or disturb any of the wires, posts or fixtures of the said telegraph line, shall be deemed guilty of a misdemeanor, and upon conviction of such offence in any of the courts of the Commonwealth, shall be sentenced to pay the costs of prosecution and pay a fine, not exceeding one hundred dollars.

State Treasurer to refund certain money to Wunderlich and Nead.

SECTION 15. That the State Treasurer is hereby authorized and required to refund to Wunderlich and Nead, of Franklin county, the sum of one hundred dollars, the same being the sum imposed as a fine on said parties by the agents of the canal board: *Provided*, Said Canal Commissions agree to the same.

W. P. SCHELL,

Speaker of the House of Representatives.

JNO. C. KUNKEL,

Speaker of the Senate.

APPROVED—The eleventh day of May, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 376.

AN ACT

To incorporate the Mount Joy Savings Institution.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Abraham Shelly, Henry Eberly, Emanuel Cassel, Dr. Andrew Gerber, Dr. J. L. Zeigler, N. Dodge, Jacob Uhrich, Henry Kurtz, Jacob E. Cas-*

sel, Henry S. Myers, Henry Shaffner, Jacob R. Long, Samuel P. Sterrett, James M. Patterson, Colonel James Patterson, Isaac Hershey, George W. Porter, John H. Brenner, and all and every person or persons hereafter becoming members of the Mount Joy Savings Institution, shall be and they are hereby created and made a corporation and body politic, by the name and style of "the Mount Joy Savings Institution," and by that name shall have succession, and by law be capable to hold and dispose of property, to sue and be sued, plead and be impleaded, answer and defend, and to be answered and defended, in courts of law and equity, or in any other place whatsoever, and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants, whatsoever, and to make, have and use a common seal, and the same to alter and renew at pleasure, and generally to do every act and thing necessary to carry into effect the provisions of this act, and promote the object and design of said corporation: *Provided*, That the place of business of the said institution shall be in the borough of Mount Joy, in Lancaster county: *Provided also*, That the real estate to be held by the said corporation shall be such only as may be necessary as a place of business for the corporation, not to exceed in value the sum of three thousand dollars, or such as may be purchased by it at sales upon executions issued to satisfy judgments or mortgages given to secure debts due to said corporation: *And provided further*, That the said corporation shall be subject to all the provisions and restrictions, and invested with all the immunities and privileges, contained in an act entitled "An Act regulating Banks," approved the sixteenth day of April, one thousand eight hundred and fifty, so far as the same are applicable or not supplied by this act: *And provided further*, That nothing in this act contained shall be so construed as to authorize said institution to issue any bill or note in the similitude of a bank note, and intended for circulation.

SECTION 2. That the object of this corporation shall be to receive from time to time, and at all times, from all persons and corporations disposed to entrust it therewith, such funds as may be deposited with it, and for which such rates of interest as may be agreed upon by the directors of said institution shall be paid, and to the depositors of such moneys shall be given such deposit books, certificates of deposit, or other evidence of the indebtedness of said corporation, as may be deemed necessary and convenient.

SECTION 3. That the capital of said corporation shall consist of one thousand shares, at fifty dollars each, and the corporation is hereby authorized to invest its funds in discounting notes on personal securities, or one-half thereof in public stocks of this State or of the United States, or in real securities.

SECTION 4. That there shall be a meeting of the members of said Mount Joy Savings Institution, on such day in the month of June next, at such place, as the five persons first named in this act, or any three of them, shall appoint, giving at least ten days' notice of such meeting, in two or more papers printed in the county of Lancaster, and on such day in the month of June annually thereafter, as the by-laws of said institution shall provide, for the purpose of choosing from among the members thirteen directors to manage the affairs of the said institution for twelve months thereafter, and until a new election shall take place, and the five first named persons shall be judges of the first election of directors, and the judges of all future elections shall be appointed by the directors for the time being, and notice of such elections shall be given in such manner as the by-laws shall provide.

Directors to
elect officers,
&c.

SECTION 5. The directors for the time being, or a majority of them, shall have power to elect a president from their own body, to select such other officers and agents as they shall deem necessary to conduct or execute the affairs of the institution, to fix their compensation, and in their discretion to dismiss them, to provide for taking bonds to the corporation from all or any of the officers or agents by them so appointed, with security, conditioned in such forms as they shall prescribe for the faithful execution of their several duties, and securing the corporation in such manner as they shall deem most safe and beneficial, to provide for paying all the necessary expenses of the corporation, and generally to pass all such by-laws as may be necessary to the exercise of such powers, and of the other powers vested in said corporation by this charter, and the said by-laws from time to time to alter and repeal: *Provided*, That all such by-laws as may be made by the directors may be altered and repealed by two-thirds of the members at any annual meeting, or at any general meeting called in pursuance of any by-law made for that purpose, and the majority of the members may at any annual or general meeting pass by-laws, which shall be binding upon the directors: *Provided also*, That such by-laws shall not be contrary to the laws of this State or of the United States.

Proviso.

Proviso.

Committee of
examination.

SECTION 6. That it shall be the duty of the directors at least once in six months, to appoint from the members of the said corporation five competent persons as a committee of examination, whose duty it shall be to investigate the affairs of said corporation, and to make a report thereof; and it shall also be the duty of the directors, on the first Mondays of March and September in each and every year, to make and declare a dividend of the interest and profits of the said corporation, after paying its expenses, and the same to pay over to the stockholders or their legal representatives within ten days thereafter.

Dividends.

Extent of
charter.

SECTION 7. That the corporate privileges hereby granted shall continue for fifteen years and no longer, except so far as may be necessary to close the business of the institution, and the Legislature may at any time alter or annul the same, provided that no injustice be done the corporation.

Reservation.

W. P. SCHELL,
Speaker of the House of Representatives.
JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The thirteenth day of May, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER,

No. 377.

AN ACT

To authorize William C. Patterson and others, to convey the Powelton estate in West Philadelphia.

WHEREAS, William C. Patterson, Samuel V. Merrick, David S. Preamble.
Brown, Thomas T. Lea, Alexander J. Derbyshire, Washington Butcher, and Edward M. Davis, have taken as purchasers thereof a conveyance of the whole estate called Powelton, on the west side of the Schuylkill river, in the county of Philadelphia, in order to secure what they deemed only necessary conveniences for the proper business of the Pennsylvania Railroad company, in West Philadelphia, and the said company have no authority by law to hold more than thirty acres of said estate, and the same being burdensome to the said purchasers to hold as individuals; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That authority is hereby given to the said purchasers to convey the said estate, or the residue thereof, being about sixty-two acres, more or less, in extent, to any trustee or trustees who may be selected or approved by the board of directors of said company, in fee simple, and the said trustee or trustees to whom the said estate, or the residue thereof, shall be conveyed, and the successor or successors of the said trustee or trustees, duly appointed, shall have full power and authority to hold the same for the use and benefit of the said the Pennsylvania Railroad company, for and during the term of five years from the first day of July, one thousand eight hundred and fifty-three, for the purpose of selling and conveying the same, or any part or parts thereof, to any person or persons, according to the orders of the said Pennsylvania Railroad company, and account to the said corporation for the proceeds of such sale or sales, and in the meantime, until such sale or sales shall be effected, to permit and suffer such use and uses of the said estate, or any part or parts thereof, as the said Pennsylvania Railroad company or their board of directors may order and direct, and the said Pennsylvania Railroad company is hereby authorized to indemnify the purchasers aforesaid named in the preamble, against any loss which may accrue from the sale of said remainder of the Powelton estate.

Purchasers authorized to convey Powelton estate to trustees of Pa. R. R. company.
Trustees may sell and convey estate or apply to other uses.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twentieth day of May, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER

No. 378.

AN ACT

To extend the Charter of the Girard Bank.

Charter extended 20 years.

To pay a bonus of \$125,000 to the state.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the charter of the Girard Bank of the city of Philadelphia is hereby extended for the period of twenty years from and after the expiration of the present charter, subject to the provisions, restrictions and conditions, and with all the rights, privileges and immunities mentioned and contained in the act of the General Assembly of this Commonwealth, entitled "An Act regulating Banks," passed the sixteenth day of April, Anno Domini one thousand eight hundred and fifty, except the twenty-first section, and except the thirty-third section of the act of one thousand eight hundred and forty-four, entitled "An Act to reduce the State Debt, et cetera," in such cases as the same may be altered or provided for in this act, and that the said Girard Bank shall immediately after the passage of this act, if the State Treasurer shall so direct, pay into the treasury of the State the sum of one hundred and twenty-five thousand dollars, and for such bonus thus paid, the said Girard Bank shall be free from any tax or other charge whatever, until the expiration of this extended charter, subject, however, to any general law that may hereafter be enacted by the Legislature, restricting the issue of bills of a less denomination than ten dollars.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-eighth day of May, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 379.

AN ACT

To extend the charter of the Mechanics' Bank of the city and county of Philadelphia.

Charter extended 20 years.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the charter of the Mechanics' Bank of the city and county of Philadelphia is hereby extended for the period of twenty years from and

after the expiration of the present charter, subject to the provisions, restrictions, and conditions, and with all the rights, privileges and immunities, mentioned and contained in the act of the General Assembly of this Commonwealth, entitled "An Act regulating Banks," passed the sixteenth day of April, Anno Domini one thousand eight hundred and fifty, except the twenty-first and forty-sixth sections, and except in such cases the same may be altered or provided for in this act.

SECTION 2. That the said Mechanics' Bank of the city and county of Philadelphia shall, immediately after the passage of this act, pay into of \$125,000 to the treasury of the State the sum of one hundred and twenty-five thousand dollars, and for such bonus thus paid, the Mechanics' Bank of the city and county of Philadelphia shall be free from any tax or other charge whatever, until the expiration of this extended charter, subject, however, to any general law that may hereafter be enacted by the Legislature, restricting the issue of bills of a less denomination than ten dollars.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-eighth day of May, A. D. eighteen hundred and fifty-three.

WM. BIGLER.

No. 380.

AN ACT

To incorporate the Commercial Mutual Insurance company of Philadelphia; relative to the State duty on Domestic and Foreign articles, in the counties of Philadelphia and Allegheny; authorizing the borough of New Brighton to borrow money; relative to monies paid into Courts of Bucks county; authorizing the Associate Congregation in the city of Philadelphia to sell certain real estate; to Turnpike or Plank Roads in Germantown, Philadelphia county; to the North Branch Coal and Iron company; to the Trust Estate of Eliza Farquhar; authorizing the Tioga Railroad company to borrow money; and relative to the Estate of Andrew Callely, late of the city of Philadelphia.

WHEREAS, M. A. Dropsie, Peter Seiger, William K. Hamlin, John Preamble. H. Spooner, Marcus Cauffman, Charles G. Mackey, John Ross, Charles Cummings, John D. Taylor, Clement S. Rutter, Joseph Newhouse, David B. Taylor, Robert W. D. Truett, Charles N. Holbrook, Mayer Arnold, Henry P. Rutter, Jonathan Leedom, Abraham A. Rex, James Young, Hiram Brooke, Thomas L. Lawson, John L. Lawson, John McCollom, George Clarkson, John Manderson, William Kichline, James T. Crabb, and Henry M. Phillips, have associated themselves together for the purpose of making fire, marine, and inland insurances, and transacting the business connected therewith, and have applied to the Legislature for an act of incorporation for said purpose; Therefore,

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the aforesaid persons, and those who may hereafter become associated with them, shall be known and styled "The Commercial Mutual Insurance company," and by the same name have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to make and have a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish, and put into execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of said corporation, not being contrary to the Constitution or laws of the United States or of this Commonwealth, and generally to do all and singular the matters which to them it shall lawfully appertain to do for the well-being of the said corporation, and the due management and ordering of the affairs thereof.

Style.

Powers and privileges.

Capital stock.

Neglect to pay installments to forfeit stock.

Directors.

Officers.

Compensation.

Vacancies.

To vote by ballot.

No proxies.

SECTION 2. That the capital stock of the Commercial Mutual Insurance company shall consist of eight thousand shares, of twenty-five dollars each, to be paid for in such installments as the board of directors of said company may determine, which said capital may at any time hereafter be increased by them, not exceeding twelve thousand shares, of twenty-five dollars each, and if any subscriber, his or her assignee or transferee, shall refuse or neglect to pay the first or any subsequent installment called for and demanded by the directors as aforesaid, such subscriber, his or her assignee or transferee, shall forfeit each and every share on which the payment shall not be duly made on account of the share or shares so forfeited, and new subscriptions may be opened and received for the share or shares so forfeited, at the discretion of the board.

SECTION 3. That the affairs of said company shall be managed by twenty-four directors, to be chosen annually, as is hereafter directed, on the third Tuesday in March, one thousand eight hundred and fifty-four, between the hours of ten A. M. and two P. M., from among the members of the corporation; the directors for the time being shall appoint a president, vice president, and secretary of the company, and such other officers and agents as they may deem necessary for conducting and executing the business of said corporation, to take bonds in the name of the corporation from all or any of them, with security, conditioned for the faithful execution of their several duties, and who shall perform the duties of their respective offices until they shall have been re-elected, removed from office, or their successors shall be chosen; the said directors shall allow the persons so appointed such compensation for their services respectively as they shall deem reasonable; and generally to exercise all other powers and authority for the well governing and ordering of the affairs and funds of said corporation, as this act confers or allows, or as hereafter may be conferred or allowed by the laws, regulations and ordinances of said corporation; in case of death or resignation of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

SECTION 4. That at all elections for directors, the vote shall be by ballot; each share of stock shall have one vote, and each insured member for any sum paid as a premium of insurance to said company three months previous to and within the year preceding said election, amounting to twenty-five dollars, one vote, and for every additional twenty-five dollars paid as aforesaid one vote; no stockholder or insurer shall vote by proxy, nor shall any stockholder be entitled to vote unless the share or shares held by him or her shall have been standing in his or her

name on the books of the said corporation for three months previous to said election; *Provided*, That every stockholder at the time of the first election of directors, shall have and enjoy the said privilege of voting as aforesaid, and the first election of directors shall be held on the third Tuesday from and after the passage of this act, and the directors chosen at said election shall hold their offices until the first annual election as herein provided for, and until new directors shall be chosen.

SECTION 5. That at the first meeting of the directors after the first annual election, the secretary shall take the names of the directors and divide them by lot into three classes; the term of office of the first class shall expire at the first annual election thereafter, the term of the second class shall expire at the second annual election thereafter, the term of the third class shall expire at the third annual election thereafter, and at the second annual election, and at every annual election thereafter, the stockholders and others qualified to vote for directors by this act shall elect eight directors, to hold office for three years, and when a vacancy by death, resignation or otherwise occurs, such vacancy shall be filled at the next annual election of directors, for the unexpired term of such director or directors.

SECTION 6. That the Commercial Mutual Insurance company shall be empowered to take risks against fire, on all kinds of merchandise, buildings, and other property, either limited or perpetual, and further, to effect marine and inland insurance on vessels, cargoes and freights, and on merchandise and other property transported on rivers, canals, lakes and railroads, and by steamboats, wagons, or otherwise, and to execute such agreements, policies, and other instruments, as shall or may be necessary to effect the same, and it may and shall be lawful for any and every person to insure marine, fire, and inland transportation risks with the said company, and to become members of the said corporation, and be entitled to a pro rata share of any profits which may be made by such insurance, to be declared and divided as hereinafter directed by the provisions of this act.

SECTION 7. That it shall and may be lawful for the said company to employ and invest their capital stock and other moneys of said company in bonds and mortgages, or real estates, in respondentia bottomry, ground rents, stocks or loans of the United States and State of Pennsylvania, and in other good securities, and to sell and transfer the same, and to re-invest the proceeds of such sale or transfer in other such loans, stocks or securities: *Provided*, That nothing in this act shall prevent said company from receiving, purchasing or holding any real or personal property, stocks, or other securities, in payment of debts due them, or to secure the same in any manner that the interests of the said corporation may require, or to purchase and hold such real estate as may be necessary to accommodate the said corporation in the transaction of the business thereof, and to mortgage, sell, assign and convey the same in fee simple or otherwise.

SECTION 8. That this corporation shall not exercise any banking privileges, or issue any certificates or other paper to be circulated as bank paper.

SECTION 9. That the directors shall on the first Tuesday in March in each and every year, cause a balance to be struck of the debts and credits of the company, and if there shall be a surplus after paying losses and expenses for the year preceding the same, they shall first set aside out of the said surplus not exceeding six per cent. on the amount of the capital stock paid in, and the remainder of the said surplus shall be divided among the stockholders and insured members, in proportion as

their respective amounts of stocks held or premiums determined may bear to the collective sum of stock and premiums aforesaid.

Dividends.

SECTION 10. That within thirty days after the yearly balance aforesaid of the said company shall be struck, the directors shall cause to be paid to the stockholders in cash, six per cent. on the capital stock paid in, if their surplus amounts to so much, and for the remainder they shall issue the company's certificate to such insured members and stockholders, agreeably to the provisions of the last section, stating the amount of such surplus which shall be ascertained to be due them; on striking said balance, such certificate shall be entitled to a dividend not exceeding six per cent., to be paid out of the profits thereafter declared by the company.

No dividends to be declared when capital stock impaired.

SECTION 11. That the profits of said company shall in no case be withdrawn, except as herein provided, but shall remain liable to all losses and expenses thereof, such liability to be expressed in face of said certificates, and the president and directors shall have in case of loss the power to declare a pro rata deduction of the amount of the outstanding certificates and issue new ones in their stead, less the pro rata deduction, and no dividend shall be declared, nor certificate issued, nor interest paid, either to stockholders or certificate holders, when the capital stock shall be impaired, nor shall any dividend be paid on certificates of surplus profits until the said dividend on the stock of the company be first provided for.

No certificates to be issued for less than \$10, &c.

SECTION 12. That no certificate shall issue for any sum less than ten dollars, nor for any fractional part of ten dollars, but all such fractional parts or sum or sums less than ten dollars, shall be passed to the contingent fund of the company, and applied to the expenses and other charges thereof; the said certificates shall not be transferable except on the books of the company, and a transfer book shall be kept for that purpose; no certificate shall issue to any person who is indebted to said company, and no transfer shall be permitted so long as the holder is indebted to said company; certificates shall be subject to and bound by any judgment the company may obtain against the holder thereof, and the interest of such holder may be sold under an execution issued on said judgment, as any other species of personal chattel; no certificate shall issue unless claimed within two years after the declaration of the dividend whereof it is evidence, but the amount thereof shall at the expiration of that time be carried to the credit of the company.

When members relieved from liability for losses.

SECTION 13. That every insured member or certificate holder, having paid the amount of his or their respective premiums, premium notes, subscription notes, or other debts due said company, shall be free from any liability or responsibility for or on account of any and all losses and expenses which said corporation may any time sustain or incur.

May receive notes, &c. for insurances.

SECTION 14. That the said company may from time to time receive notes or other securities, real or personal, as premiums from persons intending to effect insurance therewith, or from any other person or persons, under such regulations or agreements as shall be authorized by the directors, which said notes or other securities may be negotiated, transferred, or conveyed by the said company for the purposes of paying claims for losses accruing in the course of its business, and on such portion of said notes or securities as may exceed the amount of premiums paid or agreed to be paid by the parties from whom the same may have been received, the said company may allow and pay such interest or other compensation, not exceeding five per cent. per annum, as may be agreed upon by the directors.

SECTION 15. That perpetual or permanent or limited insurances may be taken without the parties thereto becoming members, or being entitled to any part of the profits of said company. Parties not members may be insured.

SECTION 16. That suits at law may be prosecuted and maintained by any member against said corporation for losses or damages insured against by them, if payment is withheld more than sixty days after the company is duly notified of such losses, and no member of the corporation not being in his individual capacity a party to such suit, shall be incompetent as a witness. Suits may be maintained by members for losses.

SECTION 17. That when the net profit or surplus remaining in the possession of the company shall exceed the sum of two hundred thousand dollars, the excess may be applied to the redemption of the certificates issued by the company, in such manner, and at such times, as the directors thereof may deem proper and expedient, and all claim or right to any interest or dividend on said certificates shall cease, after two weeks' notice published in two of the daily papers of the city of Philadelphia, that the company will redeem the same. When certificates may be redeemed by co.

SECTION 18. That hereafter the State duty to be paid on sales by auction in the counties of Philadelphia and Allegheny, shall be on all in Phila. and Allegheny co's. domestic articles and groceries one-half of one per cent.; on foreign drugs, glass, earthen-ware, hides, marble, wool, and dye-woods, three-quarters of one per cent. Auction duties

SECTION 19. That the school directors of the borough of New Brighton, Beaver county, are hereby authorized to borrow any sum of money not exceeding two thousand dollars, at an interest not to exceed six per cent. per annum, payable within five years, for the purpose of purchasing suitable lots of ground and erecting suitable buildings thereupon, to accommodate and meet the wants of the district. School directors of New Brighton, may borrow money.

SECTION 20. That upon the moneys paid into the courts of common pleas and orphans' court of Bucks county, for distribution, the prothonotary and clerk of the orphans' court of said county shall severally be allowed the amount of one-fourth per cent. for taking care of and paying out the same, to be deducted from all sums so paid out by them severally. Prothonotary & clerk of courts of Bucks co., fees for certain services.

SECTION 21. That the trustees of the Associate congregation in the city of Philadelphia, or a majority of them, shall be and are hereby authorized to sell and convey, either at public or private sale, in fee simple or otherwise, and for cash or upon ground rent, or upon such other terms as to them may seem advisable, the church and entire lot of ground of the said the Associate congregation in the city of Philadelphia, situate on the north side of Walnut street, between Delaware Fourth and Fifth streets, in the city of Philadelphia, with all the privileges and appurtenances thereto belonging, and also a certain lot of ground situate at the south-west corner of Thirteenth and Budd streets, in the said city, containing in front on said Thirteenth street forty feet, and in depth on said Budd street seventy feet; and that the said trustees, or a majority of them, with the consent of a legally called meeting of the said congregation, shall be and are hereby authorized to purchase a lot of ground in Lombard ward, in the said city, or in its immediate vicinity, and to erect thereon a house of worship suitable to the wants and wishes of the said congregation, procuring for the said lot a deed of conveyance to the said the Associate congregation in the city of Philadelphia, its successors and assigns, containing all the provisions, conditions, powers and duties specified in the deed or deeds by which the said the Associate congregation in the city of Philadelphia now hold the real estate by this act authorized to be sold, and the proceeds of such sale or sales hereby authorized, shall be applied in the Trustees of Associate congregation, Philadelphia, authorized to sell real estate.

Authorized to purchase real estate.

first place in payment of the said lot and the erection of the said house of worship hereby authorized to be purchased and erected, and the surplus, if any, shall be applied towards the ordinary annual expenses of the church hereby authorized to be erected, and for no other purpose whatever.

Borough of Germantown, Philadelphia co.

SECTION 22. That no turnpike or plank road company now incorporated, or to be incorporated, shall occupy or alter the grade of any street, or portion of a street, now opened for public use in the borough of Germantown, Philadelphia county, or located on the general town plan of said borough, without the consent of the town council of said borough, to be first obtained.

North Branch coal and iron co., certain act relative to, repealed.

SECTION 23. That so much of any act of Assembly as requires the North Branch Coal and Iron company to connect with the Hazleton or Beaver Meadow railroads, by a railroad not exceeding seven miles in length, is hereby repealed, and the said North Branch Coal and Iron company shall connect with said Hazleton or Beaver Meadow railroads, by the nearest and most practicable route, and may issue not exceeding one hundred and fifty thousand dollars of bonds, convertible into the capital of the said company: *Provided*, That no bond shall be issued for a less sum than one hundred dollars.

Proviso.

Estate of Eliza Farquhar, deceased, Phila.

SECTION 24. That the orphans' court of the city and county of Philadelphia are hereby authorized to appoint in the place of Thomas J. Donelson, who has renounced the trust, Amelia Farquhar, co-trustee with Edward Y. Farquhar, of the property demised and bequeathed by Eliza Farquhar, deceased, by her last will and testament, to Edward Y. Farquhar, and Thomas J. Donelson, in trust for the children of George W. Farquhar, deceased, without requiring security of the said Amelia Farquhar.

Tioga railroad company, authorized to borrow money to extend road.

SECTION 25. That the Tioga Railroad company are hereby authorized to borrow such sum of money as they may deem necessary to complete the extension of their road, in conformity with the supplemental act approved the fourth day of April, eighteen hundred and thirty-three, and to issue bonds therefor, with interest, at the rate of seven per cent. per annum, payable semi-annually, and to secure the holders of said bonds by mortgage upon such extension and its appurtenances: *Provided*, That no bond shall be issued for a less amount than one hundred dollars.

Proviso.

Estate of Andrew Callely, deceased, trustees authorized to convey ground rents.

SECTION 26. That William Ourcun and James Buck, trustees under the last will and testament of Andrew Callely, late of the city of Philadelphia, deceased, or the survivor of them, or their successors or successor in the said trust, upon payment to them of the principal sums, with all arrearages, of two certain yearly ground rents of eighty-four dollars each, payable on the first days of the months of April and October in every year, by Andrew Cochran and William Perry, their heirs and assigns, out of and for two certain lots or pieces of ground situate on the south side of Pine street, between Eleventh and Twelfth streets, in the city of Philadelphia, one of them being at the distance of forty-two feet westward from the west side of a certain twenty feet wide alley, leading from said Pine and Lombard street, containing in front on said Pine street twenty-one feet, and in depth southward seventy-eight feet six inches, and the other of the said lots, being at the distance of twenty-one feet westward from the west side of the said alley, containing twenty-one feet in front, and in depth southward seventy-eight feet six inches, be and they are hereby authorized and empowered, at any time hereafter, by good and sufficient deeds and assurances, to release, convey, and extinguish the said two yearly ground rents to the purchaser thereof in fee simple, freed and discharged from all trusts, es-

tates, and limitations mentioned in the will of the said Andrew Callely, deceased, and so that the said purchaser shall not be bound to see to or to be responsible for the application of the said purchase or extinguishment moneys: *Provided, however,* That before any such deed or conveyance is executed by the said trustees, they shall give such security for the faithful application of the principal of the two ground rents, for the purposes of the said will, as shall be approved by the court of common pleas for the city and county of Philadelphia.

Proviso.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twentieth day of May, A. D., eighteen hundred fifty-three.

WM. BIGLER.

No. 146.

A SUPPLEMENT

To an act further to regulate Proceedings in Courts of Justices, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the first section of the act entitled "An Act further to regulate Proceedings in Courts of Justices, and for other purposes," approved the sixth day of May, one thousand eight hundred and forty-four, shall not apply, nor be held or construed to apply, to any bill or proceeding in equity, whether now pending or hereafter to be instituted, wherein the Commonwealth is plaintiff or complainant: *Provided, however,* That in all such cases it shall be the duty of the court in which the same may be depending, as far as practicable to expedite the final hearing and determination thereof, by such order or orders as they may deem expedient or advisable for that purpose.

First section of act of 6th May, A. D. 1844, how to be construed.

Proviso.

SECTION 2. That in all proceedings by quo warranto, whether at the suggestion of the Attorney General or any person or persons desiring to prosecute the same, against any association or any number of persons who shall act as a corporation, or shall exercise any of the franchises or privileges of a corporation without lawful authority, or against any corporation which shall forfeit by misuser or nonuser its corporate rights, privileges or franchises, or shall do, suffer, or omit to do, any act matter or thing, whereby a forfeiture thereof shall by law be created, whether the said forfeiture may be declared by the Legislature or otherwise, or shall exercise any power, privilege or franchise not granted or appertaining to such corporation, the suggestion may be filed, and all proceedings had in the supreme court, wherever the same may be sitting, and any questions of fact on which an issue may be ordered, shall be tried before a judge of the supreme court, and by a jury summoned

Proceedings before supreme court, by quo warranto.

from any county in which the supreme court shall be sitting at the time of such trial, and proceedings commenced or prosecuted in any district shall be certified to any other district, as may be requisite for the speedy determination thereof.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The seventeenth day of March, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER

RESOLUTIONS

PASSED SESSION OF EIGHTEEN HUNDRED AND FIFTY-THREE.

No. 1.

RESOLUTION

Authorizing the Canal Commissioners to purchase new Locomotives.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Canal Commissioners are hereby authorized to direct the Superintendents on the Columbia and Philadelphia railroad and Allegheny and Portage railroad, to contract for twelve new first class locomotives, to be delivered on said roads on or before the first of August, one thousand eight hundred and fifty-three: *Provided,* That the whole expense thereof shall not exceed one hundred and eight thousand dollars.

Resolved, That the commissioners are hereby authorized to direct the Superintendent of the road to avoid the planes, to transfer one of the stationary engines on planes that have been avoided by new road, to the State shops at Parkesburg, on the Philadelphia and Columbia railroad.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighth day of February, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 2.

RESOLUTION

Authorizing the State Treasurer to pay George Bergner for printing Daily Record.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the State Treasurer be and he is hereby directed to pay George Bergner one hundred dollars, for services rendered in printing and furnishing Daily Record of the proceedings of the two houses of the Legislature: Provided, That this sum shall be payment in full to him for the printing of the said Record.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighth day of February, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 3.

RESOLUTION

Relative to the Postage of the Officers of the Legislature.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That officers of the Senate and House of Representatives shall have the same rights and privileges as the members and clerks now have under the twelfth section of an act passed April seventeenth, one thousand eight hundred and forty three, entitled "An Act to reduce the expenses of the Government."*

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D., one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 4.

RESOLUTION

Relative to the publication of the School Laws of the Commonwealth, and the decisions thereon.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Superintendent of Common Schools is hereby authorized to have printed for the use of the Legislature seven thousand five hundred copies of the School Laws of Pennsylvania, with his decisions annexed, two thousand copies in English and five hundred in German, for the use of the Senate, and five thousand copies for the use of the House of Representatives.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 5.

RESOLUTION

For holding a Convention to allot the Public Printing.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Legislature will meet in convention on the thirty-first of March, one thousand eight hundred and fifty-three, for the purpose of receiving proposals for and allotting the public printing and binding for the period of three years from the first day of July next, to the lowest bidder, in accordance with existing laws, and the Secretary of the Commonwealth is hereby authorized and required to publish the act entitled "A further supplement to the act entitled 'An Act to create permanently the office of State Printer,'" and give notice as provided for by the resolution entitled "Resolution authorizing the Secretary of the Commonwealth to give notice of the letting of the State Printing:" *Provided,* That this act shall not be so construed as to change hereafter the time established by existing laws for allotting the public printing and binding:

Provided further, That hereafter the Speaker of the Senate shall preside at all conventions held for the allotments of the public printing and binding.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 6.

RESOLUTION

Relative to the printing of the Daily Legislative Record.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the State Treasurer be and he is hereby authorized to pay to Royal and Clyde the sum of seven hundred dollars, on account for printing the Daily Record, said sum of money to be accounted for at the final settlement of their account.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 7.

RESOLUTIONS

Relative to a subscription to Peter A. Browne's proposed work on Sheep breeding and Wool growing.

WHEREAS, In the opinion of the Legislature, the question of the Preamble. improvement in the breed of sheep and growth of wool in Pennsylvania, which was referred to by the Governor in his last annual message, is eminently worthy of our serious attention :

And whereas, It has been represented that Peter A. Browne, of Preamble. Philadelphia, after having devoted a number of years of his life to the study of the science, is about to (should sufficient encouragement be extended to him to enable him to do it without pecuniary loss) publish the result of his labors, investigations and experience on the subject :

And whereas, In our opinion, the great object in view could not be Preamble. better and more surely promoted at this time than by making a limited subscription on the part of the State to Mr. Browne's proposed work ; Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Governor be and he is hereby authorized and required to subscribe for three hundred copies of Peter A. Browne's proposed work on the subject of Governor authorized to subscribe for 300 copies. breeding sheep, and the growth and the improvement in the quality of wool.

Resolved, That a copy of said work shall be presented to each member of the present Legislature, and a copy to every Agricultural and Horticultural society now formed, or that may hereafter be formed in this State. Members of the Legislature, &c., to receive copies.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 8.

RESOLUTION

Relative to the distribution of the Colonial Records and Pennsylvania Archives.

SECTION 1. *Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That all the members of the present Legislature not authorized to receive copies of the Colonial Records and Pennsylvania Archives, shall be entitled to receive a copy of the said works respectively, and the Secretary of the Commonwealth is authorized to make said distribution accordingly.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

APPENDIX.

CONTAINING LAWS PASSED AT THE SESSION OF 1853.
UPON WHICH THE TAX HAD NOT BEEN PAID IN
TIME FOR THEIR PUBLICATION IN REGULAR ORDER.

No. 381.

AN ACT

To incorporate the House of the Good Shepherd in the city of Philadelphia.

WHEREAS, Ella Howard, Sarah Devereux, Mary Delaker, Jane Morgan, Catharine Green, Jane McCloskey, Anna Ford, Hannah Doyle, Mary Crilly, Anna Clark, Mary Snyder and Jane Christie, and others, have associated together for the purpose of establishing a charitable institution, the object and design of which shall be to afford protection and a retreat for females who have had the misfortune to fall into crime, and who wish to reform their lives; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons named in the above preamble and their successors, be and they are hereby created a corporation or body politic in law, by the name, style and title of "The House of the Good Shepherd in the city of Philadelphia," and by that title shall have perpetual succession, with power to have a common seal, to make contracts, sue and be sued, and to receive, take, hold, mortgage and convey any estate, real and personal, the annual income of which shall not exceed five thousand dollars, to be appropriated to the purposes of the said charity, and to elect or appoint their associates or successors, to choose such officers as they may deem necessary, and to make all needful by-laws, rules and regulations, for the government of the said corporation and the furtherance of the said charity, not inconsistent with the Constitution and laws of the United States or of this Commonwealth.

SECTION 2. That the meetings of the said corporation shall be held at such times and places as may be ordered by the by-laws, and that a majority of the members shall constitute a quorum for the transaction of business.

SECTION 3. That the buildings and other real estate occupied for the said charity, shall during such occupancy be exempt from the payment of taxes now due and hereafter to become due.

Misnomer.

SECTION 4. No misnomer of the said corporation shall defeat any intended gift, grant, conveyance, devise or bequest thereto, if the intent shall sufficiently appear therein.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 382.

A N A C T

To incorporate the Odd Fellows' Association of New Berlin.

Corporators.

Style.

Privileges.

Object.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Samuel Roush, John Swineford, Charles Merrill, Henry W. Bonsall, and Edward Wilson, and all other persons who now are or hereafter may be associated with them, and their successors, be and they are hereby created and erected into a body politic and corporate, in deed and law, by the name, style and title of "The Odd Fellows' Association of New Berlin," in the county of Union, and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, answer and be answered, in all the courts of law or equity within this Commonwealth and elsewhere, and also to be able to take and hold, to them and their successors, either by grant, gift, devise, lease, absolute purchase, any lands or real estate, for the purpose of erecting thereon a building or buildings for the use of said association, and also to take and hold for the use of said association any goods and chattels, sum or sums of money, by gift, grant, bargain and sale, will, devise, or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell, for the use of the said association, and generally to do and perform all and singular the matters and things which may be lawful for them to do and perform for the well-being and management of the affairs of the said association: *Provided, That* the real estate of which the said corporation shall at any time be possessed, shall not exceed the yearly income of three thousand dollars.

SECTION 2. The object of the said association shall be to provide, erect and furnish a suitable building or buildings in the town of New Berlin, county of Union, for the accommodation of Lodge No. 163 of the Independent Order of Odd Fellows, and for such other purposes as they may deem proper.

SECTION 3. The said corporation shall have power and authority to make by-laws, conformable to this charter and not in violation of the laws of the United States or of this Commonwealth. By-laws.

SECTION 4. That it shall and may be lawful for the said corporation to have a common seal, and the same to change, alter and renew whenever they think proper, and shall have and may exercise all the rights and privileges necessary for the purposes of the corporation hereby constituted. Seal.

SECTION 5. That the government of the said association, and the management and disposition of its affairs and property, shall be vested in a board of seven trustees, who shall be elected annually, at such times and in such manner as the said association shall by its by-laws provide: at the first meeting of the trustees after their election in each year, they shall elect from their body a president, secretary and treasurer. Government of association.

SECTION 6. The Legislature hereby reserves the right to alter and amend the charter hereby granted, whenever in their opinion it may be injurious to the interests of the citizens of this Commonwealth: *Provided, however,* That no injustice be done to the corporators. Reservation.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 383.

AN ACT

To incorporate the Bethlehem Gas company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Philip H. Goepp, C. A. Luckenbach, Sylvester Wolle, A. W. Radley, James T. Borhek, W. Wilson, R. A. Grider, Jacob Rice, John M. Mickseh, W. H. Roepper, Charles W. Rauch, A. E. McCarty, James Leibert, and their associates, or persons who shall become stockholders, be and the same are hereby made and constituted a body politic and corporate, by the name and style of "The Bethlehem Gas company," and by the said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, in all courts and judicatories whatsoever, and also of contracting and being contracted with, relative to the business and objects of the corporation, as hereinafter declared, and they and their successors, as aforesaid, shall have power to lease or Corporators. Style. Privileges.

purchase in fee simple such real estate as may be necessary for carrying on the business of said corporation.

Object.	SECTION 2. That the corporation hereby created is so created for the purpose, and for such purpose shall have authority of supplying with Gas light the borough of Bethlehem, and such individuals residing therein and immediate vicinity as may desire a supply of the same, and for distributing and selling gas for the production of artificial light, and for making and erecting the necessary apparatus for manufacturing and introducing the same, and constructing the requisite buildings and machinery, and purchasing and preparing the necessary materials, with the right to enter upon any public street, lane or highway, for the purpose of laying down the pipes necessary for conducting said gas, and to repair, alter and inspect the same, doing as little damage as possible to the streets, lanes and alleys, and repairing the injuries that may be done to the same with as little delay as possible, and securing the citizens from accident and danger whilst so lying down or repairing their pipes.
Powers.	
Capital stock.	SECTION 3. That the capital stock of said company shall be ten thousand dollars, to be divided into two hundred shares, of fifty dollars each, with the right to increase said capital stock from time to time, as the board of directors of said company shall deem necessary: <i>Provided</i> , That the whole capital stock shall not at any time exceed fifty thousand dollars: <i>And provided further</i> , That said company may in lieu of increasing their capital stock, be authorized, if the board of directors shall so determine, to borrow money to an amount not exceeding the amount said capital stock may be increased, and to make and execute a mortgage or mortgages, pledge or pledges, of the property and effects of said corporation, for the security of the repayment of the amount borrowed, or give such other evidences of indebtedness as may be agreed upon: <i>Provided</i> , That no increase of said capital stock in manner aforesaid shall be permitted, unless the stockholders holding a majority of the stock already subscribed shall first give their written consent thereto.
Powers.	
Proviso.	
Control and management of company.	SECTION 4. That the management and control of "The Bethlehem Gas company" shall be vested in the persons named in the first section of this act until the period herein fixed for the regular election of directors of said company, who shall choose from their numbers a president, treasurer and secretary, who shall meet from time to time, and at such places within said borough, as a majority of them may deem necessary, for the purpose of receiving subscriptions to the capital stock of said company, and that the stockholders of said company shall meet annually on the first Monday in May, at such place as they shall determine upon, and elect nine directors for said company, all of whom shall be stockholders, who shall select from their numbers, as aforesaid, a president, secretary and treasurer for said company; the notice of such elections for directors, as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of said company, and the number of votes that each stockholder shall be entitled to at such election, shall be according to the number of shares owned by such stockholder, to wit: for each share not exceeding two shares one vote, for every two shares above two and not exceeding ten shares one vote, for every five shares above ten shares one vote, and no share shall confer a right of voting which shall not have been holden one calendar month prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his or her own right, or in the right of his wife, or for his or her sole use and benefit, as an executor, administrator, trustee or guardian, or in the right and for the
Votes of stockholders.	

use of some co-partnership, corporation or society, of which he or she may be a member.

SECTION 5. That said company shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the secretary, and sealed with the common seal of said corporation, to each person for such share or shares of stock as are by him or her respectively owned, which certificates of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president or secretary, in a book to be kept by the corporation for that purpose. Certificates of stock.

SECTION 6. That the board of directors of said company shall meet at such times and places as shall be provided in the by-laws of said company, five of whom shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book, and a quorum being formed, they shall have full power and authority to purchase lands for the gas works and erect the same, to appoint all officers and employ such assistants as shall be necessary to carry out the objects of this corporation, to direct what orders shall be drawn upon the treasurer, which shall be signed by the president and countersigned by the secretary, to fix all salaries, and rates for the use of the gas, to enact by-laws for the proper regulation and government of said corporation, and generally to do such matters, acts and things, as by this act and the by-laws of such corporation they are authorized to do. Meetings of Directors.

SECTION 7. That the board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them advisable, on the first Mondays of June and December of each year, which shall be paid to the stockholders on demand ten days after the same shall have been declared. Dividends.

SECTION 8. That if any person or persons shall open a communication into the gas main or other gas pipe of said company, without authority from the street inspector or other authorized agent of said company, or shall let on the gas after it has been stopped by order of said inspector or authorized agent of said company, for repairs, or any other cause or purpose, or shall put up any pipes or burners in addition to the pipes originally put up and inspected, and introduce into them the gas without authority aforesaid, he, she or they, shall be subject to a penalty of not less than five nor more than fifty dollars, to be recovered before any justice of the peace, as debts of like amount are by law recoverable, one-half to be paid to the informer and the other half to said company. Penalty for opening communication with the gas main or other gas pipe.

SECTION 9. That if any person shall wilfully or maliciously do or cause to be done any act or acts whatever, whereby any building, construction or works of said company, or any gas pipe, gas post, burner of reflector, or any matter or thing appertaining to the same, shall be stopped, obstructed, injured or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, and may be therefor indicted in the court of quarter sessions, and on conviction thereof, shall be punished by a fine, not exceeding five hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That such criminal prosecution shall not in any way impair the right of said company to a full compensation in damages by civil suit. Penalty for injuries to works. Proviso.

SECTION 10. That the price of gas shall be so regulated as that the dividends upon the capital stock of said company shall never exceed eight per cent. per annum. Price of gas.

Reservation.

SECTION 11. That the legislature may at any time alter, amend or repeal the privileges hereby granted: *Provided, however,* That no injustice be done to the corporators.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The seventh day of February, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 384.

AN ACT

To authorize Susan R. Mead, administratrix of Darius Mead, late of Warren county, deceased, to sell certain real estate; and to the election of Register and Recorder in the county of Luzerne.

Susan R. Mead
authorized to
sell certain real
estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Susan R. Mead, administratrix of Darius Mead, late of Warren county, deceased, be and she is hereby authorized and empowered to sell at public sale, all the real estate of said Darius Mead, late deceased, situate in Mead township and Kenzua township, Warren county, Pennsylvania, and to make a deed to the purchaser or purchasers thereof, vesting said estate in them as fully and entirely as the sale of real estate duly made by an executor or administrator under the direction of the orphans' court, and the proceeds of said sale shall be directed and controlled by the order of the orphans' court of said county of Warren: *Provided, That* the said Susan R. Mead, before any conveyance shall be executed in pursuance of such sale, shall give a bond, with sufficient surety, to be approved by the orphans' court of said county, for the faithful application of the proceeds of said sale.

Proviso.

Office of Reg-
ister and Recor-
der, Luzerne
co., made two
offices.

SECTION 2. That after the term of office of the present register and recorder of the county of Luzerne shall expire, the two offices shall be held by two persons, and the qualified electors of the said county, on the second Tuesday of October, one thousand eight hundred and fifty-four, and every three years thereafter, shall elect one person who shall hold the office of register of wills, and one person who shall hold the office of recorder of deeds.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The twenty-third day of February, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 385.

AN ACT

To incorporate the Bethany and Honesdale Plank Road company; and authorizing the sale of the Real Estate of Jerome B. Case, deceased, of Wayne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Nathaniel B. Eldred, James Manning, Phineas G. Goodrich, Ephraim W. Hamlin, Harrison G. Otis, Edward O. Hamlin, of the borough of Bethany; John Torrey, Richard L. Seely, Henry Dart, William H. Dimmick, William R. McLaury, and H. B. Beardslee, of the borough of Honesdale; or any five of them, be and the same are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Bethany and Honesdale Plank Road company," with power to construct a plank road from Bethany to Honesdale, in the county of Wayne, upon the best and most eligible ground which shall be decided upon by a majority of the stockholders, subject to all the provisions and restrictions of "An Act regulating Turnpike and Plank Road companies," approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the several supplements thereto, so far as they are consistent with this act: *Provided*, It shall be lawful for said company to construct said plank road at a grade not exceeding five degrees. Commissioners.
Subject to the provisions and restrictions of certain act.
Proviso.

SECTION 2. That the capital stock of said company shall consist of two hundred shares, at twenty-five dollars each: *Provided*, That the company may increase the number of shares to two hundred and fifty, if found necessary to complete said road and to carry out the true intent and meaning of this act. Capital stock.
Proviso.

SECTION 3. That the road shall consist of a track not less than eight nor more than twenty feet wide, with power to lay a double track, if the company shall see proper to do so. Width of track.

SECTION 4. That if the said company shall not commence the construction of said road within two years, and complete the same within four years from the passage of this act, the same shall be null and void, except so far as may be necessary to wind up and settle the affairs of said company. Commencement and completion of road.

SECTION 5. That Myron Jakeway, guardian of Ann H. Case, Harriet A. Case, Francis L. Case, Ellen L. Case, and Emalinda Jakeway, minor children and grand children of Jerome B. Case, late of Honesdale, in the county of Wayne, deceased, be and he is hereby authorized and empowered to sell at private or public sale all the right, title and interest of the said minors, of and in three certain town lots, situate in the borough of Honesdale, numbered on the plan or map of said town thirty-two on First and Ninth streets, and fifty-six and fifty-four on Ninth and Second streets, (being the property bought of Osborne Stilman,) and also the interest of said deceased (it being three-fourths) in a piece or parcel of land situate in Clinton township, Wayne county, bounded on the west by lands of E. K. Norton, on the north by lands of Ralph Myron Jakeway, guardian, authorized to sell certain real estate.

Case, east by Tilghman's lands, south by lands of Benjamin Cavel, and containing about seventy acres, by deed or deeds in fee simple, and with the same effect as if the said minors were of full age and had conveyed the same: *Provided*, That before the said Myron Jakeway, guardian, as aforesaid, shall convey, as aforesaid, he, the said Myron Jakeway, shall give bond, in such sum and with such security as the orphans' court of the county of Wayne aforesaid shall direct, conditioned for the faithful discharge of his duty as guardian, as aforesaid, and the proper application of the purchase money coming to his said wards, which proceeding shall be approved by the said court.

W. P. SCHELL,

Speaker of the House of Representatives.

THO CARSON,

Speaker of the Senate.

APPROVED—The third day of March, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 386.

AN ACT

To incorporate Greensburg Lodge Number Fifty, of the Independent Order of Odd Fellows.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That David Baldrige, William J. Williams, John Loor, George W. Moritz, William Taylor, Henry Kettring, William C. Lowrey, James B. Park, David Newingham, Augustus Vogle, Paul Hook, John Kuobelock, Augustus Graff, Lorin Winsheimer, Adam Kettring, Samuel Rook, Michael Bortz, George L. Potts, and John Taylor, and their successors, and all persons who now are or may be hereafter associated with them, be and are hereby erected into a body corporate in deed and in law, by the name, style and title of "Greensburg Lodge number fifty, of the Independent Order of Odd Fellows," and by that name to have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, and shall be capable in law and in equity to take and hold, to them and their successors, either by grant, gift, devise, lease or otherwise, any lands or real estate, and also to take and hold for the use of the said association any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise, bequest, or otherwise, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell, and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the affairs of the association: *Provided*, That the real estate of

Corporators.

Style.

Privileges.

Proviso.

which the corporation shall at any time be possessed, shall not exceed the clear yearly value of two thousand five hundred dollars.

SECTION 2. That the object of said corporation shall be to provide, Object. erect, and furnish a hall and suitable buildings in the borough of Greensburg, in the county of Westmoreland, for the accommodation of the members of Greensburg Lodge number fifty, of the Independent Order of Odd Fellows, and such other lodges as may be established in said borough, to hold their meetings therein.

SECTION 3. That it shall be lawful for said corporation to have a Seal. common seal, and the same at will and pleasure to change, alter and renew, as they think proper.

SECTION 4. That the trustees of this association, as chosen at such Management of time and in such manner as the said association by its by-laws shall affairs. provide, shall have the management and disposition of its affairs and property, as they shall be legally entrusted by said association, and they are hereby declared the proper persons to sign, seal and deliver conveyances of lands or real estate which may be sold by said association.

SECTION 5. That the corporation shall have power and authority to By-laws. make by-laws, conformable to this charter and not in violation of the constitution and laws of this Commonwealth.

SECTION 6 That the legislature hereby reserves the right to alter, Reservation. revoke or annul this charter, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators thereof.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The third day of March, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 387.

A N A C T

To authorize the erection of a Lock-up House in the borough of Tarentum; relative to the Lawrence County Agricultural Society; to prevent the destruction of Deer in certain townships in the county of Lycoming; and incorporating a company to manufacture Glass.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and town council of the borough of Tarentum, in the county of Allegheny, be and they are hereby authorized and empowered to furnish materials and build, or otherwise provide and support in said borough, at the expense of said borough, a suitable house for the se-
Lock-up house in the borough of Tarentum authorized to be erected.

curity and temporary detention of persons committed by justices of the peace of said borough, or by the burgess of said borough, or member of the town council acting in his place, for any violation of the laws of this Commonwealth or of the ordinances of said borough, for which such person or persons could lawfully be committed to the common prison of said county, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or can be discharged according to law: *Provided*, That no person shall be confined in said house at any one time for a longer period than forty-eight hours, except such person be charged with an indictable offence, and it be necessary to detain such person or persons for examination.

Proviso.

Expenses how paid.

SECTION 2. That the expenses of committing and keeping any person or persons in said house on a charge of indictable offence, shall be paid by the said county of Allegheny, on the presentation of proper accounts of the same to the commissioners of said county.

Borough and Town Council to appoint keeper of lock-up house.

SECTION 3. That the burgess and town council, or a majority of them, shall have the power to appoint a proper person or persons to keep the said lock-up house, and that the said burgess and town council are empowered to pay such person or persons for such service what the said burgesses and town council, or a majority of them, may deem just and proper.

Payment of costs in case of persons discharged.

SECTION 4. That upon a hearing before any of the justices of the peace of the said borough of Tarentum, or before the burgess or any member of the town council acting in his place, such person or persons shall be discharged for want of sufficient cause to bind him, her or them, over for trial at the next criminal court of the said county of Allegheny, the said magistrate, burgess or town councilman, shall require such person or persons to pay all the costs that may have accrued in the case, and enforce the collection of the same by judgment and execution, in the ordinary way of collecting debts of like amount: *Provided, however*, That if such offender or offenders are found unable to pay the costs, the same shall be paid by the commissioners of said county, upon the presentation of proper accounts to said commissioners.

Proviso.

Additional powers granted to Lawrence Co., Agricultural society.

SECTION 5. That the Lawrence County Agricultural society shall have power to alter or amend their constitution at any meeting of the society called by the board of Government: *Provided always*, That the amendment or alteration proposed shall be published in at least two newspapers in the county, together with the call for the meeting, at least three weeks previous to the time of holding said meeting.

Penalty on hunting deer with dogs in certain townships in Lycoming co.

SECTION 6. That from and after the passage of this act, if any person or persons in the townships of Muncy or Plunket's Creek, in the county of Lycoming, shall hunt, chase or pursue, with any dog or dogs, with design to kill or destroy, any buck, doe or fawn within the said townships of Muncy and Plunket's Creek, at any season of the year, or shall entice any dog or dogs to chase as aforesaid, with the like design, he or they, on being convicted thereof, shall forfeit and pay for every such offence a sum not exceeding twenty-five dollars, nor less than ten dollars, to be sued for and recovered, with costs, before any justice of the peace, in the name of the Commonwealth, at the instance of any person who will sue therefor, who is hereby made a competent witness, as debts are now of a like amount recoverable by law; the whole of said penalty or fine shall be paid to the treasurer of the school district in which the offence has been committed, for the use of the common schools of said district: *Provided*, That this act

Proviso.

shall not be so construed as to prohibit the hunting or catching with dogs of deer that have been previously wounded.

SECTION 7. That Henry Hannon, and any five other person or persons, or more, of the county of Beaver, who may have associated or shall associate themselves together, in the borough of Bridgewater, in said county, for carrying on the manufacture of glass only, may and they are hereby authorized, on a subscription of a capital stock of not less than ten thousand dollars, to organize themselves under and be subject to all the provisions of the act entitled "An Act to encourage manufacturing operations in this Commonwealth," passed the seventh day of April, Anno Domini one thousand eight hundred and forty-nine, excepting as herein provided, the amount of capital stock.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The third day of March, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 388.

AN ACT

To incorporate the Ministers and Elders constituting the Synod of the Associate Presbyterian Church of North America.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Thomas Beveridge, Thomas Hanna, Abraham Anderson, James Rodgers, Joseph T. Cooper, William M. McElwee, Joseph Scroggs, George C. Vincent, Daniel H. A. McLean, William S. Young, John S. Easton, David Clark, and William Bell, and their successors, duly elected and appointed in manner as is hereinafter directed, be and they are hereby made, declared and constituted a corporation and body politic and corporate, in law and in fact, to have continuance for ever, by the name, style and title of "Trustees of the Synod of the Associate Presbyterian Church of North America," and by the name, style and title aforesaid, shall forever hereafter be persons able and capable in law as well to take, receive and hold, all manner of lands, tenements, rents, annuities, franchises, and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised, or otherwise conveyed to the Ministers and Elders constituting the Synod of the Associate Presbyterian Church of North America, or any other person or persons to their use, or in trust for them, and the same lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, are hereby vested and established in the said corporation and their successors forever, according to the original use and intent for which such devises, gifts and grants, were respectively made, and

the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, and other conveyances thereof, is or are declared, limited and expressed; also that the said corporation and their successors, at all times hereafter, shall be capable and able to purchase, have, receive, take, hold and enjoy, in fee simple or of lesser estate or estates, any lands, tenements, rents, annuities, franchises, and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation, or devise, of any person or persons, bodies politic and corporate, capable and able to make the same; and further that the said Ministers and Elders, under the corporate name aforesaid, and their successors, may take and receive any sum or sums of money, and any portion of goods and chattels that have been given to said Ministers and Elders, or that hereafter shall be given, sold, leased or bequeathed to the said corporation, by any person or persons, bodies politic or corporate, that is able or capable to make a gift, sale, bequest, or other disposal of the same, such money, goods or chattels, to be laid out and disposed of for the use and benefit of the aforesaid corporation, agreeably to the intention of the donors, and according to objects, articles and conditions of this act.

Misnomer. SECTION 2. That no misnomer of the said corporation and their successors, shall defeat or annul any gift, grant, devise or bequest, to or from the said corporation: *Provided*, The intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant, or other writing, whereby any estate or interest was intended to pass to or from the said corporation.

Common seal. SECTION 3. That the said corporation and their successors shall have full power and authority to make, have, and use one common seal, with such device and inscription as they shall think fit and proper, and the same to break, alter and renew at their pleasure.

Further powers. SECTION 4. That the said corporation and their successors, by the name, style and title aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court or before any judge or justice, in all manner of suits, complaints, pleas, matters and demands, of whatsoever nature, kind and form they may be, and all and every matter and thing to do in as full and effectual a manner as any other person, bodies politic or corporate, within this Commonwealth, may or can do.

By-laws, &c. SECTION 5. That the said corporation and their successors, shall be and hereby are authorized and empowered to make, ordain and establish by-laws and ordinances, and do every thing incident and needful for the support and due government of the said corporation, and managing the funds and revenues thereof: *Provided*, The said by-laws be not repugnant to the constitution and laws of the United States, to the constitution and laws of this Commonwealth, or to this act.

Proviso. CORPORATION NOT TO CONSIST OF MORE THAN 13 PERSONS. SECTION 6. That the said corporation shall not at any time consist of more than thirteen persons, whereof the said Synod may at their discretion, as often as they shall hold their sessions, change five-thirteenths, in such manner as to the said Synod shall seem proper, and the said corporation shall have power and authority to manage and dispose of all moneys, goods, chattels, lands, tenements and hereditaments, and other estate whatsoever, committed to their care and trust by the said Synod, but in cases where special instructions for the management and disposal thereof shall be given by the Synod, in writing, under the hand of their clerk, it shall be the duty of the said corporation to act according to such instructions: *Provided*, The said instruc-

tions shall not be repugnant to the constitution and laws of the United States, or to the constitution and laws of this Commonwealth, or to the provisions and restrictions in this act contained.

SECTION 7. That six members of this corporation, whereof the president, or in his absence the vice president, to be one, shall be a sufficient number to transact the business thereof, and to make by-laws, rules, and regulations: *Provided*, That previous to any meeting of the board or corporation for such purposes not appointed by adjournment, ten days' notice shall be previously given thereof, in at least one of the newspapers printed in the city of Pittsburg, and the said corporation shall and may, as often as they shall see proper, and according to the rules by them to be prescribed, choose out of their number a president and vice president, and shall have authority to appoint a treasurer, and such other officers and servants as shall by them, the said corporation, be deemed necessary, to which officers the said corporation may assign such a compensation for their services, and such duties to be performed by them, to continue in office for such time, and to be succeeded by others in such way and manner as the said corporation shall direct.

SECTION 8. That all questions before the said corporation shall be decided by a plurality of votes, whereof each member present shall have one, except the president, or the vice president when acting as president, who shall have only the casting voice and vote in case of an equality in the votes of the other members.

SECTION 9. That the said corporation shall keep regular and fair entries of their proceedings, and a just account of their receipts and disbursements, in a book or books kept for that purpose, and their treasurer shall once in every year exhibit to the Synod of the Associate Presbyterian Church of North America an exact state of the accounts of the corporation.

SECTION 10. That the said corporation may take, receive, purchase, possess and enjoy, messuages, houses, lands, tenements, rents, annuities and other hereditaments, real and personal estate, of any amount not exceeding twenty thousand dollars, yearly value, but the said limitations not to be considered as including the annual collections and voluntary contributions made in the churches, under the care of the said Synod.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-second day of March, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 389.

AN ACT

To incorporate the society known by the name of the First Baptist church of Bridgeport, in the county of Montgomery; relative to the Lime-kiln Turnpike Road company; to the Chester Valley Railroad; to entering Judgments; and to the West Chester and Philadelphia Railroad company.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Corporation. the church or society known by the name of the First Baptist Church of Bridgeport, in the county of Montgomery, is hereby erected into

Style. one body politic and corporate, in fact and in law, by the name, style and title of "The First Baptist Church of Bridgeport," and by the same name shall have perpetual succession, and be able to sue and be sued,

Privileges. in all courts of law and elsewhere, and shall be able and capable in law and equity to take, receive and hold, lands and tenements, goods and chattels, of whatsoever kind and nature and quality, real, personal or mixed, which are now or hereafter shall become the property of the said church, by gift, grant, bargain, sale, conveyance, assurance, will, devise, bequest, or otherwise, and also the same to grant, bargain, sell,

Proviso. mortgage or dispose of: *Provided, That the yearly value or income of the real and personal estate of said corporation shall not at any time exceed two thousand five hundred dollars.*

Seal. *SECTION 2. That the said corporation shall have a right to make and use a common seal, with such devise or inscription as to them shall seem meet, and to alter and revise the same at pleasure.*

Certain liabilities declared valid. *SECTION 3. That all bona fide engagements entered into, and liabilities contracted heretofore by individuals for the proper debts of the said society or church, or for money borrowed for its use or benefit, and by its authority, shall immediately after the enrolling hereof, be held and deemed the debts of the body politic and corporate hereby created, which shall be liable therefor in its corporate capacity and property, and all moneys due and owing to the said church or society as such, and property to it belonging, shall be taken and deemed to be the moneys and property of the said corporation.*

Trustees and other officers. *SECTION 4. That the secular affairs of said corporation shall be managed and superintended by five trustees, three of whom shall be a quorum to transact business, who shall choose by ballot from among their number, a president and secretary, and shall also choose a treasurer, who shall, if required by the trustees, give sufficient security for the trust reposed in him, and shall account to such trustees for all sums of money, goods and chattels, received by him or remaining in his hands at any time, and in case of the removal of the president or other officers aforesaid, or any of the trustees, by death, resignation or otherwise, the vacancy or vacancies shall be supplied by the remaining trustees till the next annual election; and the following named persons shall be trustees, to continue in office until the first annual election, to wit: Eli G. McCarter, Benjamin F. Hancock, Richard S. James, Sylvester Makens, and Henry L. McMahan; the annual election of trustees shall be held on the first Thursday of January in each year; in*

case an election of trustees shall not be held at the time or times appointed, the corporation shall not thereby be dissolved.

SECTION 5. That any member of the congregation paying annually Who may vote a sum not less than two dollars towards the support of said church, at elections. shall be entitled to vote at the elections of said corporation, and be eligible as a trustee : *Provided*, This section is not to be construed *Proviso.* to impose any restrictions on the right of members of the church to vote at said elections : *And provided further*, That not less than four *Proviso.* trustees of any full board shall be members of the church.

SECTION 6. That the said trustees and their successors shall have Powers of trust- power to enact and enforce such by-laws and ordinances as may be pro- tees. per and necessary for the regulation and transaction of the business of said corporation, and the conducting of the elections of trustees, to establish and change the time and place of the annual election of trustees, from time to time, as the same may be found convenient, or if said corporation neglect to elect on the day of the annual election, may appoint any subsequent time on which said election shall be held : *Provided*, That said by-laws and ordinances shall not be inconsistent *Proviso.* with the constitution and laws of this State or of the United States, and that the same be confined to the secular affairs of said church, and be approved by the members of said church assembled at one of their general or special church meetings for business.

SECTION 7. That the by-laws and ordinances of said corporation shall By-laws, &c. be fairly entered and registered by the secretary on the minute book of the trustees, which book and other records of the corporation shall be open to the inspection of any member of the corporation at all reasonable hours, on application to the secretary, and moreover, the Legislature reserves the right to repeal, alter or amend this act, or any part thereof, at any time hereafter. *Reservation.*

SECTION 8. That the president and managers of the Lime-kilu Turn- Lime-kilu turn- pike Road company be and they are hereby authorized to borrow, for pike co., autho- the purposes of the company, any sums of money not exceeding three rized to borrow thousand dollars, under the same provisions and restrictions as are money. imposed and provided for by the second section of an act entitled "A supplement to an act entitled 'An Act to incorporate the president and managers of the Danborough and Point Pleasant Turnpike Road company,'" approved the thirtieth day of March, one thousand eight hundred and forty-eight, excepting that the powers and duties therein given to and enjoined on the courts of common pleas of Bucks county, be and the same are hereby given to and enjoined on the courts of common pleas of Montgomery county; and also, that they shall not issue certificates of loan for a less amount than one hundred dollars.

SECTION 9. That the proviso to the third section of the act entitled "An Act authorizing the erection of a school house in South-west township, Warren county, and revising the charter of the Norristown and Valley Railroad company, under the name of the Chester Valley Railroad company," passed the twenty-seventh day of April, Anno Domini one thousand eight hundred and fifty, shall not be construed to apply to Caleb Churchman, Andrew Hayne, heirs of Joseph Potts, Jefferson H. Brolasky, and James Iddings, stockholders in the Norristown and Valley Railroad : *Provided*, That their claims be presented *Proviso.* within three months from the passage of this act.

SECTION 10. That the directors of said company shall have full Directors to is- power and authority, and they are hereby required, upon the applica- sue stock to tion of either of the above named parties, to issue to them such amount of stock as they are justly and equitably entitled to under the general provisions of the above recited act. *in previous section.*

Judgments in
Chester, Dela-
ware and Berks
counties.

SECTION 11. That all judgments hereafter entered in the prothonotary's office in the counties of Chester, Delaware and Berks, on notes, bonds, or other instruments of writing in which judgment is confessed, or containing a warrant to confess judgment, may be entered at once in the judgment docket, and need not be entered in any other docket, and all judgments heretofore entered in any such office in said counties, in the judgment docket, without previous entry in any other docket, shall be as valid and effectual as if previously entered in the appearance or continuance docket: *Provided*, That an index of the judgment docket shall be kept, as is required by existing laws: *And provided further*, That the entries made in the said docket shall be as full as if said judgments were entered in the appearance or continuance docket.

Proviso.

Proviso.

West Chester &
Phila. railroad
co., authorized
to erect a
bridge.

Proviso.

Proviso.

SECTION 12. That the West Chester and Philadelphia Railroad company are hereby authorized to construct in the line of their road over Maryland or Mill creek, in the county of Philadelphia, a permanent bridge without a draw: *Provided*, That the superstructure of said bridge shall be at least twenty-six feet above high water mark: *And provided further*, That the said company shall pay and satisfy the owner or owners and occupiers of lands adjoining the navigable part of said creek above the said bridge, for all damages and inconveniences that may be sustained by reason of the construction thereof, upon such terms as have been or may hereafter be agreed upon and adjusted by the said parties: *Also provided*, That in all cases in which the compensation has not been agreed upon, the damages shall be ascertained in the manner designated for the assessment of damages by the charter of the said company.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-third day of March, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 390.

AN ACT

To incorporate the Caledonia Cold Spring Association; repealing the ninth section of act of April fifteenth, eighteen hundred and fifty-two, erecting the borough of Waynesboro' into an independent School District; relative to the Pittsburg and Steubenville Turnpike Road company; attaching certain farms to Pymatuning township, Mercer county; and authorizing the County Commissioners of York county to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners,

John C. Richards, Abraham H. Senseny, J. Allison Fyster, David E. Stover, J. Wythe Douglas, Daniel O. Genr, and William McLellan, or any three or more of them, be and they are hereby appointed commis-

sioners, to do and perform the following duties, that is to say : they shall, at such time or times, place or places, and upon such notice as they may deem expedient, open books for the purpose of receiving subscriptions to the capital stock of the association incorporated by this act, and they may adjourn from time to time, and to such places as they may deem proper, until the whole amount of stock authorized by this act shall be subscribed, and if the whole amount of said stock shall not have been taken before the organization of said association, it shall be lawful for the president and directors for the time being to receive such subscriptions of stock until the whole amount thereof shall be taken.

SECTION 2. That the capital stock of said association shall be fifty thousand dollars, in shares of fifty dollars each, certificates whereof shall be issued to the subscribers for the number of shares by them respectively subscribed, signed by the president, countersigned by the secretary, and sealed with the common seal of said corporation, which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations and restrictions as may be provided by the by-laws.

SECTION 3. That when twenty per centum on said capital stock shall have been subscribed, and five dollars on each and every share thereof shall have been paid, the commissioners aforesaid, or such of them as shall have acted, shall certify to the Governor, under their hands and seals, the names of the subscribers, the number of shares subscribed by each, and that five dollars on each share have been paid, whereupon the Governor shall by letters patent, under his hand and the seal of the Commonwealth, create and constitute the said subscribers, and those that may thereafter be associated with them, their successors and assigns, into a body politic and corporate, in deed and in law, by the name, style and title of "The Caledonia Cold Spring Association," and by that name to have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and may sue and be sued, implead and be impleaded, complain and defend, in all courts of law and equity, of record or otherwise, may make, have and use a common seal, and the same may alter and amend at pleasure, may ordain such by laws, ordinances and regulations as may be necessary and convenient for the proper government of said corporation, the same not being contrary to the constitution and laws of the United States and this Commonwealth, and generally may do all and singular the matters and things necessary for the well-being and due management of said corporation, and also, as such shall have power to purchase the watering place known as Sweeney's Cold Springs, situate in Adams county, Pennsylvania, and the lands thereto belonging, and make such improvements to and upon the same as to said corporation may seem expedient and proper, for the purpose of accommodating and amusing the visiting public; and said springs, buildings and ground, shall be held by said association as a public watering place, and for no other purpose whatsoever : *Provided*, That the stockholders in said corporation shall be liable in their individual capacity and estates for all the debts created and liabilities incurred by this corporation : *And provided further*, That said corporation shall exist for twenty-eight years and no longer.

SECTION 4. That as soon as conveniently may be after the said letters patent shall be obtained, the said commissioners who may have assumed the duties mentioned in this act, or any three of them, shall appoint a time and place for the subscribers to meet for the purpose of organizing the association, giving at least three week's notice thereof

in at least one paper published in the borough of Chambersburg, one paper published in the city of Philadelphia; and the subscribers when met at the time and place so appointed, shall elect by a majority of the votes given, in person or by proxy, a president and six directors, who shall manage the affairs and business of said association until the first Monday of July then next ensuing, and until others are chosen: *Provided*, That no person shall be eligible to the office of president or director, who does not own at least five shares of stock: *And provided further*, That in case of the resignation or death of the president or any director, the remaining directors shall, by a majority of the whole board, supply the vacancy until the next annual election.

Powers. SECTION 5. That the president and directors of said association for the time being, are hereby authorized and empowered to exercise all the powers granted to the corporation; they shall meet at such times and places as they may deem most convenient for the transaction of their business, and when met four shall be a quorum; the president, if present, shall preside at all meetings, and have the right to vote only in case of a tie; in the absence of the president the board shall appoint a president pro tem.; they shall keep minutes of their proceedings in a suitable book, to be provided for that purpose, shall choose a secretary and treasurer, and may appoint and employ all such officers, agents, superintendents, artizans, workmen, or other persons, as in their opinion may be necessary and proper in the management of the affairs and business of said association, at such times, in such manner, and under such regulations as they may determine; they shall fix the salaries and wages of such officers and persons employed by them, and may require bond, with security in such sums as they may deem proper, of each and any of said officers or other persons by them appointed or employed, for the faithful discharge of their duties; they are also authorized to design, determine, and contract for any improvements they may deem necessary for the accommodation of visitors, or the beauty of the springs, and to lease the property belonging to the corporation to such lessee or lessees, for such term or terms, and at such annual rents, as may be determined by the board, and generally may do all such acts, matters and things, as by this act and the by-laws of the association they may be authorized to do.

Dividends. SECTION 6. That dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared and paid to the stockholders or their representatives, at such times and places as may be provided by the by-laws.

Elections, how to be conducted. SECTION 7. That the elections for directors shall be conducted as follows, to wit: at the first election the commissioners who have acted, or any three of them, shall appoint three stockholders, not being candidates, to be judges of the said elections, and to hold the same, and at every succeeding election the directors for the time being shall appoint three stockholders who shall not be directors nor candidates, for the like purpose, and the persons so appointed by the commissioners or directors shall respectively take and subscribe an oath or affirmation, before any officer competent to administer an oath, well and truly and according to law to conduct such election, to the best of their knowledge and ability, and the said judges shall decide upon the qualification of voters, and when the election is closed shall count the votes and declare who have been elected, and certify the same at the first election, to the commissioners who appointed them, and at all subsequent elections to the directors, and if at any time it shall happen that an election of directors shall not be held at the time specified, the corporation shall not for that reason be dissolved, but it shall be lawful to hold such election on any

day within three months thereafter, by giving at least ten days' previous notice of the time and place of holding such election, in at least one paper published in the borough of Chambersburg, and the directors of the preceding year shall in that case continue in office, with all the powers belonging to them as such, until others are elected; each share of stock shall entitle the holder thereof to one vote, and each ballot shall have endorsed thereon the number of shares thereby represented; no proxy shall be received or entitle the holder to vote at any election or general meeting, unless the same shall bear date and have been duly executed within three months next preceding such election or general meeting.

SECTION 8. That the annual election for president and directors of said association shall be held at such place as may be fixed by the by-laws, on the first Monday of July in every year, of which notice shall be given by the secretary at least two weeks previously, in at least one paper published in the borough of Chambersburg. Annual elections, when to be held.

SECTION 9. That the stockholders of said association shall have power at any general meeting for the election of president and directors, or any meeting called for the purpose, may alter or amend the by-laws enacted by the board of directors: *Provided*, That notice of the proposed alterations and amendments shall have been given by publication for six weeks previous to said meeting, in at least one paper in the borough of Chambersburg. May alter by-laws. Proviso.

SECTION 10. That nothing in this act contained shall be construed to authorize the said association to engage in any banking business. Banking prohibited.

SECTION 11. That the Legislature reserves the right to alter, revoke or annul the privilege and charter hereby granted, whenever the same shall become injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporation. Reservation.

SECTION 12. That so much of the ninth section of the act approved April fifteenth, A. D. one thousand eight hundred and fifty-two, as erects the borough of Waynesboro', in the county of Franklin, into a separate and independent school district, be and the same is hereby repealed. Waynesboro? Franklin co. Repeal.

SECTION 13. That the second section of an act approved February, one thousand eight hundred and fifty-one, entitled "An Act to authorize the Pittsburg and Steubenville Turnpike Road company to plank a portion of their road," be and the same is hereby repealed. Pittsburg and Steubenville turnpike co. Repeal.

SECTION 14. That that part of the farm of Charles Koonce, lying in the borough of Clarksville, and west of the Clarksville and Sharou road, and that part of the farm of Mary Baggs, lying within the said borough, shall belong to and constitute part of Pymatuning township, in the county of Mercer. Pymatuning tp., Mercer co., limits extended.

SECTION 15. That the commissioners of York county, and their successors, be and they are hereby authorized and empowered to erect a new jail in the county of York, and also to select a site for the same either within or outside of the limits of the borough of York. York county, commissioners authorized to erect new jail.

SECTION 16. That the said commissioners of the county of York, and their successors, be and they hereby are empowered and authorized to borrow any sum or sums of money not exceeding in the whole the sum of fifty thousand dollars, for the purpose of defraying the expense of erecting said jail, at any rate of interest not exceeding six per cent. per annum, in the name, and upon the faith, credit and responsibility of the said county, and to make such provision out of the taxes of the said county from time to time, as may be necessary to pay the interest upon such loan or loans, and to redeem the principal, at May borrow money.

such times and in such manner as may be conformable to the terms upon which the same may be made.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 391.

AN ACT

To incorporate the Greene County Agricultural and Manufacturing society; and authorizing the Sheriff of Washington county to employ a Jail Keeper.

- Corporators.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That persons who have now associated themselves, or who may hereafter be admitted members of the Greene County Agricultural and Manufacturing society, shall be and are hereby declared to be a body politic and corporate, for the term of twenty years from and after the passage of this act, by the name and style of "The Greene County Agricultural and Manufacturing society," to have succession, to plead and be impleaded, sue and be sued, in all courts of record and elsewhere, and be capable to take and enjoy lands, tenements and hereditaments, goods and chattels, and the same from time to time to sell, grant, demise, alien and dispose of, to use a common seal, and to alter or renew the same at pleasure: *Provided,* That the clear yearly value of the real estate by them held, shall at no time exceed the sum of two thousand dollars.
- Name.**
- Privileges.**
- Proviso.**
- Officers.** SECTION 2. That the officers of the said corporation shall consist of a president, four vice presidents, a secretary, a treasurer, and such other officers as the said corporation may think necessary, who shall be elected annually, on the last Saturday in May, and shall hold its annual exhibition in the town of Charmichaels.
- May make rules, by-laws, &c.** SECTION 3. The said corporation, when convened upon due notice given to the members by public advertisements, or otherwise, shall have power and authority, to make, ordain and establish such rules, by-laws and ordinances, relating to the times of meeting, the admission of members, the powers and duties of the officers thereof, and the ordering of the other concerns of the said corporation, as they may deem necessary and proper: *Provided,* That no rule, by-law or ordinance as aforesaid, shall be valid, if inconsistent with the constitution and laws of this State or of the United States.
- Proviso.**

SECTION 4. That the present officers of the said society shall continue in their respective offices until an election shall be held under this act, and the rules, by-laws and ordinances thereof, and that the Greene County Agricultural and Manufacturing society shall receive annually from the commissioners of Greene county, out of the county tax assessed on the county of Greene, the sum of fifty dollars, for the purpose of promoting agriculture, and the said sums shall be paid to the treasurer of the said society, on orders signed by the president and attested by the secretary of said society. To receive annually \$50 out of county treasury.

SECTION 5. That it shall be lawful hereafter for the sheriff of Washington county to employ a suitable person as jail keeper, at a salary not exceeding two hundred dollars annually, to be paid out of the county funds. Washington co., jail keeper.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 392.

AN ACT

To authorize the Governor to incorporate a company to construct a Bridge over the river Schuylkill, at Penrose Ferry, in Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas Barnet, James Cassaday, George Richards, Banner Thomas, Henry D. Lentz, James C. Lafferty, Pearson Serrill, Peter B. Holstein, William Hunter, Charles W. Lloyd, Aubrey H. Smith, Alexander H. Smith, John Leech, and Isaac S. Serrill, be, and they or a majority of them are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "the Penrose Ferry Bridge company," with power to locate and build a floating bridge, with a draw therein, over the Schuylkill river at Penrose ferry, at or near the point where the public road now crosses the same, subject to all the provisions and restrictions of the first, second, third, fourth, fifth, seventh, eighth, ninth, tenth and twentieth sections of an act of the General Assembly of the Commonwealth of Pennsylvania regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine. Commissioners. Name & style. Location of road. Subject to provisions and restrictions of certain act.

SECTION 2. That the capital stock of the said company shall consist of four hundred shares, at twenty-five dollars each. Capital stock.

Draw, how to be constructed.

SECTION 3. That the draw in the said bridge shall be constructed over the channel, or deepest part of said river, and shall be at least fifty feet in width, for the purpose of letting all vessels navigating the river freely pass and repass the same; which said draw shall be kept in constant repair by the said company, and shall at all times, at the charge of the said company, at the approach of any vessel be drawn, so as to allow the free passage thereof without detention or delay, and any neglect so to do shall subject the company to a penalty of fifty dollars, to be recovered by action of debt, as debts of like amount are by law recovered, one-half of the penalty to go to the informer, and the other half to the county of Philadelphia.

Penalty for neglect to attend.

Bridge to vest in company.

SECTION 4. And when the said bridge is completed, the property in the same shall be vested in the said company and its successors, forever, and it shall be lawful for the company and its successors to erect a toll gate and toll house at either side of the river, and to demand and receive toll from travelers and others crossing the said bridge, not exceeding the following rates: for every carriage of whatever description, having two or four wheels, used for personal accommodation or pleasure, for each horse drawing the same ten cents; for every wagon or cart for each horse drawing the same five cents; for every sleigh or sledge for each horse drawing the same five cents; for every horse or mule with a rider three cents; for every horse or mule without a rider two cents; for every foot passenger one cent; for every head of cattle one cent; for every score of hogs ten cents; for every score of sheep five cents; and for every wagon or cart drawn by oxen, two oxen shall be rated at one horse.

Rates of tolls.

Right reserved by commonwealth to repeal.

SECTION 5. That at any time after the expiration of five years from the completion of said bridge, it shall be lawful for the Commonwealth to repeal this act, and to cause the said bridge to be removed from the river, upon the payment to the company of a sum of money which, together with the dividend declared, shall equal the cost of constructing said bridge, and six per cent. per annum interest thereon to the time of repealing the said act.

Penalty for damages to bridge.

SECTION 6. That if any person or persons having the control or command of any vessel, steamboat, or other craft, shall maliciously or wilfully run the same against the bridge or draw aforesaid, or maliciously do or permit to be done any act which may tend to damage the same, the person or persons so offending, or the owner of the vessel, shall for every such offence, in addition to any other remedy the company may have, forfeit and pay the sum fifty dollars, to be sued for in the manner described and set forth in the seventy-fifth section of the act of June thirteenth, Anno Domini one thousand eight hundred and thirty-six, relating to roads, highways and bridges.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred fifty-three.

WM. BIGLER.

No. 393.

AN ACT

To incorporate the Wyoming Annual Conference of the Methodist Episcopal Church.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That George Lane, C. W. Giddings, E. B. Tenny, George Peck, Nelson Rounds, V. M. Coryell, and B. W. Gorham, and their successors, duly elected and appointed in manner hereinafter prescribed, be and they are hereby made and constituted a body politic and corporate in law and in fact, to have perpetual succession, by and under the name, style and title of "The Trustees of the Wyoming Annual Conference of the Methodist Episcopal Church," and by the name, style and title aforesaid, shall be capable in law to take, purchase, receive, have, hold and enjoy, and to demise, sell and convey, any and all real and personal estate and property that hath heretofore been or may hereafter be devised and bequeathed to them, or to their successors, or for the use of them or their successors, and said estate and the title to property shall be vested in them, the said trustees and their successors, as a fund to be held, appropriated and disposed of under the direction of the Wyoming Annual Conference of the Methodist Episcopal church, the limits of which conference shall be such as from time to time may be designated by the general conference of the Methodist Episcopal church.

SECTION 2 That at the first meeting of the corporators named in the first section of this act, they shall proceed to divide their number into three classes, the first of which classes shall consist of two members, to hold their office for one year and until their successors shall be duly and legally appointed, the second of which classes shall consist of two members, to hold their office during two years and until their successors shall be duly and legally appointed, and the third of which classes shall consist of three members, to hold their office during three years and until their successors shall be duly and legally appointed, and the said designation of classes shall be made by lot, and thenceforth, as the terms of said several classes of said trustees shall expire, their successors, in equal number, shall be annually elected by ballot, by the members of the said Wyoming Annual Conference of the Methodist Episcopal church, to hold their office for the term of three years.

SECTION 3. That the business of said corporation shall be managed and conducted by the said corporation and their successors, a majority of whom shall be a quorum, in pursuance of such rules, regulations and by-laws as they shall from time to time adopt for their government, not inconsistent with the provisions of this act or the constitution of the United States or this Commonwealth, and said corporators and their successors shall have power to appoint such officers for the management of the said corporation, as said rules, regulations and by-laws shall from time to time prescribe.

Misnomer not
to annul gifts,
&c.
Proviso.

SECTION 4. That no misnomer of the said corporation shall defeat or annul any gift, grant, devise, or bequest, to or from the said corporation: *Provided*, The intent of the party or parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby an estate or interest is intended to pass to or from the said corporation.

Seal.

SECTION 5. That the said corporation, and their successors, shall have full power and authority to make, have, and use one common seal, with such device and inscription as they shall think fit and proper, and to break, renew, and alter the same at their pleasure.

May be implea-
ded in all suits,
&c.

SECTION 6. That the said corporation and their successors, by the name, style and title aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded in any court, or before any judge or justice of the peace, in all and all manner of suits, complaints, pleas and demands, of whatsoever nature they may be, and all and every matter and thing to do in as full and effectual a manner as any other person, body politic or corporate, within this Commonwealth may or can do.

May hold real
estate.

SECTION 7. That the said corporation may take, receive, purchase and enjoy, real and personal estate of any amount of which the annual income shall not exceed five thousand dollars, but the said limitation is not to be considered as including the annual collections and voluntary contributions made in the churches under the care of the said Wyoming Annual Conference of the Methodist Episcopal church.

W. P. SCHELL,

Speaker of the House of Representatives.

THO. CARSON,

Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 394.

A N A C T

To incorporate the Greene Mount Cemetery company of Waynesburg, Greene county; changing the road laws in Washington county; and relative to certain real estate in Blockley township, in the county of Philadelphia.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Jesse Lazear, R. D. Bird, A. G. Allison, J. A. J. Buchanan, Simon Rinehart, John Phelan, and C. A. Black, of Waynesburg, Greene county, be and they are hereby made a body politic and corporate in law, under the name, style and title of "The Greene Mount Cemetery company," and by that name shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, and so to do all such other things as are incident to a similar corporation.

Name & style.

Trustees.

Vacancies how
supplied.

SECTION 2. That any three of the above named shall be trustees of said cemetery company, and whenever a vacancy shall occur in the board of trustees, the court of common pleas of Greene county shall appoint other trustee or trustees, so that the ground selected for ceme-

tery may be preserved for the purpose intended, and those who bury there may be assured of continued protection to the remains of relatives and friends who have been committed to the earth.

SECTION 3. That the said cemetery company shall be able and capable in law to purchase and hold, for the purpose of a cemetery, said tract of land, not to exceed in extent ten acres; also to hold so much personal property as may be necessary for the purpose of said corporation, and assume the management, direction and disposal of the same.

SECTION 4. That the trustees aforesaid shall have power to lay out and ornament the grounds purchased by said cemetery company for the purpose of this corporation, to erect suitable buildings thereon, and keep the buildings and premises in decent repairs, to arrange burial lots, and sell and dispose of the same for burial places, under such rules as may be proper and necessary, to make by-laws and regulations from time to time relative to the appointment of suitable officers and agents, and their duties and compensation, and relative to the duties of trustees, and from time to time to make such other rules and regulations for the government of lot-holders and visitors as they may deem necessary.

SECTION 5. That no road or street shall be opened through the lands of said corporation occupied as a burial ground, except by and with the consent of said corporation.

SECTION 6. That the court of common pleas of Greene county shall have full power at all times, upon the application of any trustee, to grant relief in equity, so far as regards the removal of any trustee or trustees who may be unable to fulfill his or their duties, or who may neglect or refuse to carry out the object and intention of this charter, and from time to time to appoint a trustee or trustees to fill all such vacancies as may occur by death, or resignation or removal.

SECTION 7. That any person who shall wilfully destroy, mutilate, deface, injure or abuse any tomb, monument, grave-stone, or other structure, placed in the cemetery aforesaid, or any fence, railing, or other work, for the protection or ornament of said cemetery, or of any tomb, monument, grave-stone, or other structure, placed therein, as aforesaid, or shall wilfully destroy, cut, break, or remove any tree, shrub, or plant, within the limits of said cemetery, or shall shoot or discharge any gun or other fire-arms within said limits, shall be guilty of a misdemeanor, and shall upon conviction thereof before any justice of the peace of the county of Greene, be punished by a fine, at the discretion of the justice, according to the aggravation of the offence, of not less than five nor more than fifty dollars, or shall on conviction thereof in the court of quarter sessions of said county, be punished by fine, as aforesaid, and by imprisonment, according to the aggravation of the offence, at the discretion of the court.

SECTION 8. That every lot conveyed in such cemetery shall be held by the proprietor for the purpose of sepulture alone, transferable with consent of trustees in trust and their successors in office, as aforesaid, and shall not be subject to attachment or execution, and that the said cemetery shall be hereafter forever exempted from taxation.

SECTION 9. That the act of Assembly approved the sixth day of April, A. D. one thousand eight hundred and forty-three, so far as the same relates to the county of Washington, be and the same is hereby repealed, and that the act of the thirteenth of June, A. D. eighteen hundred and thirty-six, is hereby declared to be revived and in full force in said county, except so far as that it shall not be necessary for the court to appoint more than three persons to act as viewers of pub-

lie and private roads, viewers of bridges, and assessors or viewers of damages done to the property of individuals through whose lands any public or private road may be located.

In laying out roads, notice to be given.

SECTION 10. That the viewers appointed as aforesaid, shall not proceed to view and lay out any public or private road until the person or persons applying for said road, or one or more of the viewers, give public notice by written or printed advertisements of the time and place when and where the said viewers shall meet for the purpose of locating the road, at least ten days before such meeting.

Damages.

SECTION 11. In any case where the damages assessed shall seem to be exorbitant, it shall and may be lawful for the court to order and direct a second view or assessment, unless the person or persons in interest will agree in open court to release the damages so assessed, to such an amount as shall appear to be reasonable and proper, and in case a second view or assessment is ordered, it shall be the duty of the person or persons who made application for the view or assessment in the first instance, to notify one of the commissioners of the court to attend on the day of meeting, who shall be allowed one dollar and fifty cents for his services, and no more.

Repeal.

SECTION 12. That any law inconsistent with this act, be and the same is hereby repealed.

Preamble.

WHEREAS, By indenture dated the twenty-first day of September, Anno Domini one thousand seven hundred and eighty-five, recorded at Philadelphia in deed book number twenty, page five hundred and ten, et cetera, Sarah Delaney did grant and convey unto Thomas George and Amos George, then overseers of the poor of the township of Blockley, in the county of Philadelphia, and their successors in office, all her undivided one-third part of a certain tract or parcel of land situate in the said township, adjoining lands then of William Peters and others, and containing about fifty-six acres, to have and to hold the same unto the said Thomas George and Amos George, overseers, et cetera, and their successors in office, for the use of the poor of the said township.

Preamble.

And whereas, By another indenture dated the first day of April, Anno Domini one thousand eight hundred and twenty, Joseph Lehman and William E. George, the overseers of the poor of the said township, did grant and convey the said undivided third part of the said tract or parcel of land unto Richard Peters, Esquire, in fee, and by the same indenture the said Richard Peters did covenant, for himself, his heirs and assigns, to pay to the said grantors and their successors in office, for the use of the poor of the said township, a certain annuity or yearly sum of one hundred and twenty dollars, lawful money of the United States, and charged the same upon the whole of the said tract or parcel of land, which by divers conveyances had become vested in the said Richard Peters, and in the said last recited deed it was provided that if the said Richard Peters, his heirs or assigns, should at any time thereafter pay or cause to be paid to the said Joseph Lehman and William E. George, overseers as aforesaid, or their successors in office, for the use of the poor of the said township, the sum of two thousand dollars, lawful money, as aforesaid, and the arrearages of the said rent charge or annuity, they the said Joseph Lehman and William E. George, or their successors in office, should and would execute and deliver a good and sufficient release of the said rent charge or annuity to the said Richard Peters, his heirs or assigns:

Preamble.

And whereas, The right and title of the said Richard Peters in the whole of the said tract of fifty-six acres is now vested in Joseph S. Lever-

ing, who is desirous of paying off and extinguishing the said annuity or rent charge, and of being confirmed in his title to the said undivided third part of the said tract of land, but some doubts are entertained in respect to the power of the former and present overseers of the poor of the said township, in regard to the alienation of the said undivided third part and the release or extinguishment of the said rent charge or annuity, and it is proper that the said tract of land, now in the immediate vicinity of the city of Philadelphia, should be relieved from unnecessary restrictions upon the sale thereof, while sufficient security is provided for the re-investment of the principal amount of the said annuity or rent charge; Therefore,

SECTION 13. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met.* and it is hereby enacted by the authority of the same, That upon the petition of the said Joseph S. Levering to the court of common pleas of the city and county of Philadelphia, and upon the payment into the said court of the said sum of two thousand dollars, the said court, upon due notice to the overseer of the poor for the time being of the said township of Blockley, shall make an order upon the said overseer to execute and deliver to the said Joseph S. Levering, his heirs and assigns, a sufficient deed or deeds of release and extinguishment of the said annuity or rent charge, upon all arrears of the same being paid to him, which deed or deeds shall be prepared at the expense of the said petitioner, and the said court may enforce such order by attachment, and upon the execution and delivery of such deed, the said tract or parcel of land, containing fifty-six acres, and every part thereof, shall be and remain forever after exonerated and discharged, to all intents and purposes, from the said annuity or rent charge, and thereupon all the right, title, interest and property which passed by the first above recited indenture to the overseers of the poor of the said township, shall pass to and be vested in the said Joseph S. Levering, his heirs and assigns, freed and discharge from the said use and trust in respect to the poor of said township.

SECTION 14. That it shall be lawful for the said court to make all proper and necessary orders in respect to the money so paid in, either for the payment out of the same to the overseer of the township, upon his giving sufficient security for the due investment of the same in other real estate or real securities, so as to produce an annual income for the use of the poor of the said township, or to direct the investment of the same in like manner and for the like purposes.

W. P. SCHELL,
Speaker of the House of Representatives.
THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 395.

AN ACT

To incorporate the Colebrookdale Railroad company; authorizing Daniel H. Royer to sell certain real estate; and relative to the East Liberty and Penn Township Plank Road company.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Commissioners, John Shafer, Samuel Shaner, Henry H. Gabel, Jacob H. Gabel, Henry Stouffer, John Stouffer, Daniel Boyer, Henry Boyer, George Mull, Charles Keely, H. W. Johnson, John Rhoads, Henry B. Rhoads, Aaron Mory, Amos Brower, Jacob Bower, David Gresh, Charles Hagy, William W. Weaver, and Joseph Baily, of Berks county; James Rittenhouse and J. Dutton Steele, of Montgomery county; Robert S. Buck and J. A. Whitaker, of Chester county; C. B. Weaver, of Lancaster county; Robert Lewis, Lawrence Lewis, David Reeves, Samuel J. Reeves, and Jacob H. Hill, of the city of Philadelphia, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of the Colebrookdale Railroad company," with all the powers and subject to all the provisions and restrictions prescribed by an act entitled "An Act regulating Railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine.
- SECTION 2.** That the capital stock of said company shall consist of one thousand shares, of fifty dollars each: *Provided,* That the said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the said road, and to carry out the true intent and meaning of this act.
- SECTION 3.** That the said company shall have the right to build or construct a railroad from Boyerstown in the Colebrookdale works, in Berks county; thence to Pottstown, in Montgomery county; by such practicable route and moderate grades as will in the opinion of the president and directors of said company, be most conducive to the public interest, and to connect the said road with the Philadelphia and Reading railroad at any place between Pottstown and Douglassville.
- SECTION 4.** That whenever any section of three miles of said road shall be completed, the said company may use, employ and enjoy the same, in the same manner as when the entire length thereof shall be constructed.
- SECTION 5.** That if said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as it may be necessary to wind up the affairs of said company and pay the debts of the same.
- SECTION 6.** That the stock of said company shall not be subject to any tax until the net earnings shall realize six per centum per annum upon the capital invested.
- SECTION 7.** That Daniel H. Royer, of Blair county, be and he is hereby authorized and empowered to sell and dispose of at public sale

all the share, part, portion and interest, being the one undivided third part of the real estate late of Robert Hamil, deceased, consisting of two lots, having a brick house thereon, and also one vacant half lot, situate in the town of Blairsville, Indiana county, and also about ten acres of out-lots, adjoining said town of Blairsville, and to receive the purchase money therefor, and to make, execute, acknowledge, and deliver a good and sufficient deed or deeds therefor to the purchaser or purchasers in fee simple: *Provided*, That before the said Daniel H. Royer shall make and execute any such deed or deeds, he shall give good and sufficient security, to be approved of by the orphans' court of Indiana county, for the faithful and proper application of the money arising therefrom: *And provided further*, That before any conveyance shall be executed, the said sale or sales shall be approved of by said court.

Daniel H. Royer
authorized to
sell real estate.

Proviso.

Proviso.

SECTION 8. That the East Liberty and Penn Township Plank Road company shall have full power and authority to increase the width of part of said plank road ten feet, commencing at the western line of Jane Finley's land, in Collins township, and running westward to the point where it intersects the Greensburg and Pittsburg turnpike, and the width of the said plank road shall be fifty feet for that distance.

E. Liberty and
Penn tp., plank
road co., autho-
rized to widen
road.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The fifteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 396.

AN ACT

To incorporate the Williamsport Water company; relative to the Lock Haven and Tyrone Railroad company; and to steam navigation on the West Branch of the Susquehanna river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John W. Maynard, James Armstrong, Samuel H. Lloyd, John S. Grafius, William H. Armstrong, George White, E. S. Lowe, W. F. Packer, Matthias Eder, Abraham Updegraff, Oliver Watson, C. H. Dabler, T. W. Lloyd, J. J. Ayres, J. B. Beck, and J. M. Green, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of July, one thousand eight hundred and fifty-three, procure one or more books, and enter therein as follows: "We whose names are

When to open
books for sub-
scriptions of
stock.

hereunto subscribed, promise to pay to the president, managers and company of the Williamsport Water company, the sum of twenty-five dollars for each and every share of stock in said company set opposite to our respective names, in such manner, and in such proportions, and at such times and places, as shall be determined by the president and managers of said company, in pursuance of an act of the General Assembly to enable the Governor to incorporate a company for the purpose of introducing into the borough of Williamsport a sufficient supply of fresh and pure water, and shall thereupon give public notice in two public newspapers printed in the county of Lycoming, two weeks at least, of the times and places when and where the said books shall be opened to receive subscriptions for the stock of said company, at which times and places some one or more of the said commissioners shall attend, and shall permit and suffer all persons of lawful age who shall offer to subscribe in said books, in their own names or in the name or names of any other person, if they be authorized so to do, for any number of shares in the said stock, and the said books may be kept open until the said books shall have one thousand shares of stock subscribed therein: *Provided always*, That every person offering to subscribe in the said books, in his own name or in the name of any other person, shall before he shall be permitted to subscribe, pay to the attending commissioner or commissioners the sum of one dollar for each and every share of stock to be subscribed, out of which shall be defrayed the expenses attending the taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

Proviso.

When letters patent shall be issued.

Style.

Powers and privileges.

Proviso.

SECTION 2. That when ten or more persons shall have subscribed one hundred shares of said stock, the commissioners aforesaid, or a majority of them, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and seal of the State, to create and erect the subscribers into one body politic and corporate, in deed and in law, by the name, style and title of "The Williamsport Water company," and the said company shall have full power and authority to erect and construct all such water works as shall be deemed by said company necessary for the purpose of introducing into the borough of Williamsport a sufficient supply of fresh and pure water, and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of this act, and they are hereby authorized and empowered to enter upon, take and hold, for the purposes of this act, to them and their successors and assigns, in fee simple or for any less estate, so much of the waters of any stream within three miles of said borough, or any lands, tenements or hereditaments, to which the water of said stream may be appurtenant, or any real or personal estate or property which shall be necessary to them in the prosecution of their works: *Provided*, That the same shall not exceed twenty-five acres, making compensation for the same as is hereinafter provided, with full power the same or any part or parts thereof to grant, bargain, sell, alien, convey, mortgage, pledge, charge, encumber, and demise and dispose of at their will and pleasure, and of

suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. That the said commissioners, or a majority of them, as soon as conveniently may be after the said letters patent shall be obtained, shall give notice in two newspapers in Lyecoming county, of the time and place by them to be appointed, not less than ten days from the publication of the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall elect by a majority of votes of the said subscribers, one president, seven managers, one treasurer, and such other officers as they shall think necessary to conduct the affairs of the said company until the first Monday of April then next ensuing, on which day, and annually thereafter on said day, the said company shall hold their elections for officers, and the said company when so organized, shall have power to make such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States or of the constitution and laws of this State, as shall be necessary for the well ordering of the affairs of said company, and to procure for said company a common seal, and the same to break, alter and renew, as often as the said company shall think proper: *Provided*, The said subscribers may vote by ballot, to be delivered in person, and every stockholder shall be entitled to one vote for every share of stock held in his own right at any election for officers.

Notice to be given of organization, and election of officers.

By-laws.

Proviso.

SECTION 4. That it shall and may be lawful for said president and managers, five of whom shall for all purposes be a quorum, to agree with and appoint such engineers, superintendents, artists and other persons, as they may think necessary, to survey, locate and construct the said water works, to fix and determine the uniform rates of prices to be paid to the said company for the use of said water, and to collect the same, as debts of like amount are by law collected, and declare a dividend semi-annually, at such times as they shall deem proper, of the profits and income thereof, among all the stockholders, deducting therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a growing fund, to provide against the decay and for the rebuilding and repairing the said water-works, and they shall give notice of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly, and to fix the compensation of their agents, and to do and transact all other acts, matters and things, as by the by-laws, orders and regulations of the said company, shall be entrusted to them.

Duties of president and managers.

SECTION 5. That the said company are hereby authorized and empowered, for the purpose of carrying into full effect the objects of this act, to borrow any sum or sums of money not exceeding five thousand dollars, in the name and upon the faith, credit and responsibility of said company, and to pay the interest and redeem the principal, at such time and in such a manner as may be conformable to the terms upon which the same may be taken.

May borrow money.

SECTION 6. That the said company are hereby authorized to provide, erect and maintain all works and machinery or engines necessary or proper for raising and introducing into the said borough a sufficient supply of fresh and pure water, and to provide, erect and maintain all proper cisterns and reservoirs for the reception of the waters they may so introduce, and for this purpose they are hereby authorized and empowered, by themselves, their agents, artizans, engineers and workmen, with their tools, instruments, carts, wagons and other carriages, and

Company, authorized to erect works, &c.

least of burden or draught, from time to time, and at all times hereafter, to enter into such lands and enclosures, and public and private roads or highways as may be necessary, and through the streets, lanes or alleys of the borough of Williamsport, and to occupy, dig, ditch, and lay pipes through the same, and the same to raise, alter and repair, doing as little damage to private property as possible, and making compensation to the owner or owners thereof, in the manner hereafter provided.

May enter upon lands and take materials.

SECTION 7. That the said company, their superintendents, engineers and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of burden or draught, may enter upon the lands contiguous to the dam or dams, works, cisterns, or reservoirs, they may erect on the route upon which they may lay their pipes, first giving notice to the owner or owners thereof, and from thence take and carry away stone, earth, sand or other materials, necessary to the construction of the said dam or dams, works, cisterns and reservoirs, or to the proper laying down of the said pipes, doing as little damage as possible, and repairing any breaches they may make in the enclosures thereof, and making compensation to the owner or owners thereof, in the manner hereinafter provided.

Damages how settled.

SECTION 8. That if the parties cannot agree upon the compensation, if any, to be made to the owner or owners of such lands, enclosures, public or private roads or highways, as may be used for said water works, or to any person or persons who may be injured by the construction of said works, or diversion of the waters that may be used by the said company for the purpose aforesaid, it shall and may be lawful, after the surveys and location for said works are determined, and before entering on said lands for the purpose of erecting and constructing said works, or of diverting the waters that may be used by said company, for the court of common pleas of Lycoming county, on the application of either party, to appoint five disinterested free-holders of said county as arbitrators, who shall appoint a time and place of meeting, and shall give at least ten days notice to the parties of the same, and being first duly sworn, they shall hear the parties, their proofs and allegations, and shall as soon as may be, ascertain and report what damages, if any, the erection of the said works, or the diversion of the said waters, may be to the owner or owners thereof, whose award shall be entered of record in said court, from which either party may appeal to the said court, in the same manner as from an award of arbitrators entered under the compulsory arbitration law, and said appeal when duly entered, shall thereafter be prosecuted in the said court as if the same had been an original action brought therein.

Company may lay pipes, fix prices, &c.

SECTION 9. That the said company shall have full power and authority to enable them to convey the said water through the borough of Williamsport, in all directions, and to fix hydrants or fire plugs wherever they may deem proper, and to fix and determine the uniform rates of prices to be paid by the citizens and others for the use of said water, and to protect the water works, cisterns, reservoirs, pipes, plugs and hydrants, from damage or destruction, and generally to do all things requisite and necessary for carrying into full and perfect effect the object contemplated by this act.

Abuses or injuries to water-works, penalty for.

SECTION 10. That if any person or persons shall wilfully take, lead, conduct or carry off, or shall knowingly suffer or permit to be taken, led, conducted, or carried off, any offal, or any putrid, noxious or offensive matter, from any dye-house, still-house, brew-house, or tan-yard,

or from any manufactory whatever, into the dam or dams that may be purchased or erected by the said company for the purpose of introducing water into the said borough, or shall throw, cast, or wilfully suffer to fall into the dam or head race of the water works, or into any reservoir or reservoirs to be erected by the said company, any dead animal, or any putrid or corrupt thing whatsoever, or any noxious or offensive matter of any kind, or shall go in to swim or bathe in the said dam, race, or reservoir or reservoirs, or shall entice, throw, lead, or conduct any animal therein, or shall cut, deface, mutilate, or otherwise injure any part of the buildings, machinery or work, that may be erected or purchased by the said company, or shall obstruct or impair in any manner the free flow of said water, in pursuance of the powers given by this act, every such person or persons so offending, shall forfeit and pay a sum not less than five nor more than fifty dollars, at the discretion of the magistrate, to be recovered with costs of suit, in the same manner as debts under one hundred dollars are by law recoverable, by any person that shall sue for the same, before any justice of the peace of Lycoming county, one-half to the use of the plaintiff, and the other to the use of said company, and if any person or persons so offending against the provisions of this section, shall neglect or refuse to pay the amount for which judgment may be as aforesaid rendered against him, and no goods or chattels can be found whereof to levy the same by execution, then every person or persons so offending shall be committed to the jail of the county of Lycoming, for any period of time not less than five nor more than sixty days, according to the direction of the justice rendering the said judgment.

SECTION 11. That nothing in this act shall be taken to prevent the Steam power. use of steam power in introducing water into the said borough of Williamsport: *Provided*, That the same shall be deemed by said company *Proviso*. preferable to water power.

SECTION 12. That the Lock Haven and Tyrone Railroad company be and they are hereby authorized to extend their road from Lock Haven, and make such connections as they may deem expedient, with any railroad now authorized, or that may hereafter be authorized, in, to or along the valley of the West Branch of the Susquehanna, and also to make a lateral or branch railroad from any point on said road, at or near Howardsville, to any point in Brush or Penn's valley, in Centre county, or Sugar Valley, in Clinton county. Lock Haven and Tyrone railroad company may extend road and make connections.

SECTION 13. That Jabez Stone, of the State of Pennsylvania, shall have the right and privilege of clearing out a channel in the bed of the river suitable for steamboat navigation, from Farrandsville, on the West Branch of the Susquehanna river, to the mouth of the Sinnemahoning, and from thence to the first fork of the said Sinnemahoning, and to maintain and keep up the same for the period of time hereinafter mentioned: *Provided*, That the said channel shall in nowise interfere with, incommode, or obstruct the ordinary navigation of said streams, as heretofore enjoyed by the public, and that no person shall be prevented from navigating said channel with boats or crafts, except such as may be propelled by steam. Jabez Stone, may make and use channel in Susquehanna river. *Proviso*.

SECTION 14. That in consideration of the construction of the channel as aforesaid, the said Jabez Stone, his heirs, executors administrators and assigns, shall have and enjoy the exclusive right and privilege of navigating the said channel with boats or other crafts propelled by steam or other artificial motive power, for and during a period of ten years from and after the completion of said channel, and no longer: Privileges.

Proviso. *Provided*, That the said improvement shall be commenced within one year, and completed within two years from the passage of this law.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 397.

AN ACT

To incorporate the Rose Family Burial Ground association in the district of West Philadelphia; authorizing the sale of Real Estate in Montgomery county; to the laying out Streets in the borough of Pottstown; relative to Vagrants in Norristown; to the Lewisville and Prospectville Turnpike company; and vacating a Street in Pottstown; relative to the West Chester Gas company; relative to Streets in the district of Penn. Philadelphia county; to the vacation of York street, district of Richmond; to the Education Fund of the Methodist Episcopal church; and to the Elections in the township of Overton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That William Rose, senior, James Pennel, senior, Jacob Stadelman, Augustus C. Jones, James Glasgow, and Peter Rose, junior, trustees of the Rose Family Burial Ground, and their successors in office, are hereby created a body politic and corporate in law, by the name, style and title of "The Rose Family Burial Ground association," and by that name shall have perpetual succession, and shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, to hold the piece of land situate on Oak street, in the district of West Philadelphia, known as the "Rose Family Grave Yard," with the appurtenances, to make such rules and regulations in relation to the management of said grave yard or burial ground, as they may from time to time deem necessary, and to do all such other things as are incident to a corporation.

Corporators.

Style.

Privileges.

Penalty for removing bodies, &c.

Trespass.

SECTION 2. That if any person shall open any grave or tomb in said burial ground, and clandestinely remove or attempt to remove any body or remains therefrom, such person, upon conviction thereof, shall be sentenced to undergo an imprisonment in the penitentiary for a period not less than one year, and pay a fine of not less than five hundred dollars.

SECTION 3. That if any person shall trespass on the said burial ground, or shall injure or deface the fences, shrubbery, trees, walks, burial lots, tomb-stones, railing, fixtures, personal or other property, attached or belonging to said burial ground, or shall commit any dam-

SECTION 4. That no street, road, canal, or railroad, shall hereafter be opened through the said burial ground, nor shall the same be liable to be used or taken for any purpose whatever, not connected with or appertaining to burial purposes.

SECTION 6. That James Fulton, of the borough of Norristown, in the county of Montgomery, executor of the last will and testament of Mary Logan, deceased, or his successor in the execution of the said last will and testament, appointed according to law, shall have power and authority to sell, either for cash or on credit, at public sale, and convey to the purchaser in fee simple and clear of all incumbrances, and free and discharged from the trusts in the said last will and testament mentioned, all the right, title, interest and estate which was of the said Mary Logan, deceased, of and in the real estate in Norriton township, particularly described in the said last will and testament, and to make executory contracts for the sale and disposal thereof, upon such terms as shall be agreed upon with the purchaser, and also to make and execute any such deeds and assurances for completing such sale and carrying into effect such contracts, as the said Mary Logan might have made or executed before her death, and also to give receipts for the purchase money, which shall fully acquit and discharge the purchaser, and it shall be the duty of the said James Fulton or his successor, as aforesaid, to invest the proceeds of the said sale, after deducting therefrom the expenses and costs of the same, under the direction of the orphans' court of Montgomery county, the interest thereof annually to be paid to Benjamin Baker, trustee of Elizabeth Logan, daughter of the said Mary Logan, or to any other person who may succeed him in the trust, for the maintenance of the said Elizabeth Logan, and on the death of the said Elizabeth Logan, to distribute the principal sum, with any interest then unpaid, to and among the persons who will be entitled by law under the last will and testament of the said Mary Logan to receive the same: *Provided*, That before such sale shall be made, the said James Fulton or his successor, as aforesaid, shall give good and sufficient security, in such form as shall be approved by the orphans' court of the said county of Montgomery, in an amount double the value of the property proposed to be sold, conditioned for the faithful performance of his duties under this section, and for the faithful payment and appropriation of the proceeds of the said sale, agreeably to the provisions of this section, and agreeably to the last will and testament of the said Mary Logan, deceased: *And provided*, also, That the said orphans' court of Montgomery county shall approve of the said sale, and that the said James Fulton or his successor, as aforesaid, shall settle in the said orphans' court of Montgomery county

an account, showing the balance of the proceeds of the said sale, after the payment of the costs and expenses attending the same.

Commissioners.

SECTION 7. That Samuel N. Skean, George Coryell, Samuel Royer, and Jacob Blain, be and are hereby appointed commissioners, to view, lay out, and mark a public street in the borough of Pottstown, beginning at South street, the width thereof to be twenty feet, and running along the line of Margaret Gilbert's lands, and parallel with Charlotte street, to Queen street, in said borough.

Duties of

Commissioners.

SECTION 8. That it shall be the duty of said commissioners, or a majority of them, appointed to view as aforesaid, after having been sworn before some justice of the peace to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view and lay out the same in a straight and parallel line between the aforesaid points, and that they shall make, or cause to be made out a fair and correct draft or plot of the street so laid by them, and file the same in the office of the court of quarter sessions of the county, which shall serve as record thereof, and also cause the same to be marked on the general town plot or draft of said borough, and after filing the same in the office aforesaid, the town council of said borough shall immediately proceed and open and make said street, in the same way and manner as all other streets are made in said borough.

Damages.

SECTION 9. That it shall be the duty of said commissioners appointed, after having laid out the street as aforesaid, to appraise or assess the damage which will accrue from reason of laying out said street, and shall make out a true and correct report of all such damages awarded to each individual through whose lands the same may pass, and file or cause the report of said damages to be filed in the office of the court of quarter sessions of the county, and the damages so assessed shall be paid by the treasurer of the proper county, on warrant drawn by the county commissioners.

Compensation.

SECTION 10. That for the purpose of fulfilling the duties of this act enjoined, the commissioners herein mentioned shall receive one dollar and fifty cents each for every day necessarily employed thereat, and shall any of said commissioners serve as surveyor, he shall be allowed the additional sum of fifty cents per day, so employed; and the accounts of said commissioners for their own pay and the pay of a surveyor, shall be adjusted by the town council of said borough, and paid by the treasurer thereof, on warrant drawn in the usual way.

Vagrants, commitment of in Norristown.

SECTION 11. That it shall be lawful for the burgess, or any justice of the peace of the borough of Norristown, in the county of Montgomery, to commit any vagrant or idle and disorderly person, (being thereof legally convicted before him by the confession of such offenders, or by the oath or affirmation of one or more creditable witness or witnesses,) to the Montgomery county prison, in said county, to be kept at hard labor for any term not exceeding one month, any law of this State to the contrary notwithstanding.

Apple street, in Pottstown, vacated.

SECTION 12. That part of Apple street, extending east of Washington street, in the borough of Pottstown, Montgomery county, is hereby vacated.

Tolls on the Lewisville and Prospectville turnpike road.

SECTION 13. That it shall be lawful for the president and managers of the Lewisville and Prospectville Turnpike Road company, or their toll gatherers, in addition to the tolls authorized by the act incorporating said company, approved the second day of April, one thousand eight hundred and fifty, to demand and receive the fractional parts of a half cent at their respective gates, that is to say: where the toll under the acts referred to is more than half a cent and less than one cent, they may charge the latter, or where more than one cent and less than

one and a half, one and a half may be charged, and so in each and every instance where such fractions may occur.

SECTION 14. That the West Chester Gas company shall be authorized to purchase and hold real estate for the purpose of erecting buildings for the residence and accommodation of their workmen, not exceeding in the whole one acre. West Chester gas company, to hold lands.

SECTION 15. That the surveyor of the district of Penn, be authorized to make such alterations in the plan of the part of the said district lying between Columbia avenue on the northward, Thirty-Ninth street on the eastward, and river Schuylkill on the south-west, as he may deem expedient, and upon the said alterations being approved by the commissioners of said district, and the owners of the ground within which the same may be made, and a plan thereof being filed in the office of the clerk of the court of quarter sessions for Philadelphia county, the same shall be confirmed by the court: *Provided*, That no alteration shall be made in Pennsylvania avenue by virtue of this act. Duties of surveyor of Penn district.

SECTION 16. That York street, in the district of Richmond, in the county of Philadelphia, from the east side of Brown street to Point road or Richmond street, shall not be opened of greater width than fifty feet, according to the original plan and survey of said district; and the part of said street so vacated shall be vacated on the south side of said York street: *Provided*, That said vacation be first approved by the board of commissioners of said district. York street, in Richmond district, not to exceed fifty feet.

SECTION 17. That the fifth article of an act incorporating the trustees of the education fund of the Philadelphia Annual Conference of the Methodist Episcopal church, approved April fourth, one thousand eight hundred and thirty-five, (of which this section is a supplement,) be and the same is hereby so amended that the yearly income of the said corporation shall in no case exceed the sum of ten thousand dollars. Amendment of 5th article of certain act.

SECTION 18. That the election of township officers in the township of Overton, Bradford county, held in March one thousand eight hundred and fifty-three, is hereby made valid, and the officers then elected authorized to exercise their offices the same as though there had been no irregularity in holding said election. Overton tp., election of officers in made valid.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 398.

AN ACT

To incorporate the Broad Street Market House company.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*
- Corporators.** John Rice, John H. Diehl, John White, Joseph B. Myers, Benjamin M. Feltwell, Thomas Buch, junior, and their successors, and all persons who may hereafter be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Broad Street Market House company," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, and shall be able and capable in law and equity to take and hold, to them and their successors, either by grant and conveyances in fee simple, gift, devise or lease, any land or real estate, for the purpose only of erecting thereon a suitable building or buildings for the use of said company, and also to take and hold for the use of said company any goods and chattels, sum or sums of money, by grant, bargain or sale, and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the affairs of said company: *Provided,* That the capital stock of the said company shall not exceed the sum of one hundred and fifty thousand dollars, divided into three hundred shares, of five hundred dollars each.
- Style.**
- Privileges.**
- Proviso.**
- Certificates of stock.** **SECTION 2.** That the certificates of stock of the capital stock of said company under the corporate seal, signed by the president and attested by the secretary, shall be issued to the person or persons who subscribe for the same, which stock shall be transferable, under such regulations as may be provided for in the by-laws.
- Object.** **SECTION 3.** The object and purpose of said corporation shall be to erect suitable building or buildings, and stalls, at any place within the limits of the city of Philadelphia, the same to be appropriated and used exclusively as a public market house, for the sale and vending of meats, vegetables, and all other kinds of victuals and provisions whatever, and such other articles as the board of directors may deem proper; the said market buildings, the stalls, or any one or more or all of the same, to be leased, rented or disposed of, in such manner and upon such terms and conditions as the directors shall determine.
- Directors.** **SECTION 4.** That the government and control of the Broad Street Market House company, and the management of its affairs and property, shall be vested in a board of nine directors, five of whom shall constitute a quorum for the transaction of business, who shall be elected annually, at such time and place and in such manner as the said company shall by its by-laws provide: the officers of said company shall be a president and secretary, who shall also be the treasurer of the company: the president and secretary shall be elected by the board of directors, from among their number for the time being.
- Officers.**
- Letters patent.** **SECTION 5.** That the persons named in the first section of this act, upon certifying to the governor under their hands and seals that fifty shares have been subscribed, and one hundred dollars paid on each share

of the same, that at least three of whom shall make oath or affirmation that the facts set forth in said certificate as just and true, that then and in that case the Governor shall thereupon, by letters patent under his hand and the seal of the State, create and erect the subscribers and stockholders into one body politic and corporate, in deed and in law, by the name, style and title of "The Broad Street Market House company," as authorized and provided for in this act.

SECTION 6. That said corporation may make and have a common Seal, by-laws, seal, and the same to break, renew and alter at pleasure, and also to &c. ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of said corporation, not being contrary to this charter or the constitution and laws of the United States or of this Commonwealth: *Provided*, That all by-laws for the government and management of said corporation must be submitted to the stockholders at an annual meeting, or at a special meeting called for that purpose, of which fifteen days public notice must be given, in at least two daily newspaper printed in the city of Philadelphia, signed by a majority of the directors for the time being: *Provided*, That all by-laws must be approved by a vote of two-thirds of the members present, which fact must be recorded upon the minutes kept by the secretary. Proviso.

SECTION 7. The opening of books and receiving of subscriptions to the capital stock of said company shall be regulated in such manner as a majority of the persons named in the first section of this act shall determine: *Provided*, That at least fifteen days notice shall be published in two daily papers printed in the city of Philadelphia, of the time and place where subscriptions will be received. Opening books for subscriptions.

SECTION 8. That the first election for directors shall be held at such time and place as shall be agreed upon after receiving the charter from the Governor of this Commonwealth, not more than six months after the passage of this act, of which due notice shall be given, as directed in section seventh of this act: *Provided*, That each stockholder shall be entitled to one vote for each and every share of stock held in said company. Elections.

SECTION 9. That nothing contained in this act shall be deemed and taken to authorize the said company to engage, either directly or indirectly, in any banking, commercial or manufacturing business, or act in any way or manner than for the purpose of erecting and leasing, or otherwise disposing of a market house and stall or stalls for the purpose specified in this act. Banking, &c., prohibited.

W. P. SCHELL,
Speaker of the House of Representatives.

JNO. C. KUNKEL,
Speaker of the Senate.

APPROVED—The second day of May, one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 399.

AN ACT

To incorporate the Wrightsville, New Holland and Conewago Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. John Kauffelt, Adam Wolf, Joseph Wilson, Joseph Detwiler, Barton Evans, John S. Futhey, George Wogan, Wm. M'Conkey, Philip W. Burg, Andrew Leightner, Jacob S. Haldeman, John Keasey, James Boyd, John Houser, Henry Wilton, Samuel Prowel, E. R. Herbert, Thomas Himes, Jacob Hinkle, Asa Loudon, John Rankin, Charles Weiser, of York county; J. C. Bomberger, of Dauphin county; and Clement B. Grubb, Samuel Schoch, Henry G. Long, George Wolf, Daniel Herr, John N. Lane, John Cooper, of Lancaster county; Geo. H. Hart, Joseph B. Myers, Hanson E. Atkins, Peter Cullen, Charles Emory, of the city of Philadelphia; are hereby appointed commissioners, who, or any five of whom, are hereby authorized to open books, receive subscriptions, and organize a company, by the name, style and title of "The Wrightsville, New Holland and Conewago Railroad company," with power to construct a railroad from a point on the York and Cumberland railroad, at or near Roth's creek, in Manchester township, York county; thence to the town of New Holland; thence down the margin of the Susquehanna river to intersect the Columbia and Philadelphia railroad at a point in Wrightsville, not nearer than two hundred feet to the west end of the Columbia bridge; with all the powers and subject to all the provisions and restrictions prescribed by an act entitled "An Act regulating Railroad companies," approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine, and the supplements thereto: *Provided*, That the said company shall not erect within two hundred feet of the western end of the Columbia bridge at Wrightsville, any depot or locomotive engine house, without the consent of the Columbia Bank, their successors or assigns, and that no locomotive engine used or run upon said road, shall at any time be permitted to approach within two hundred feet of the western end of said bridge, and if any incorporated company or individual, by themselves or their agents, shall cause any locomotive engine to approach within the said limit of two hundred feet of the western end of said bridge, the said incorporated company or individual owning or using such locomotive engine, shall forfeit and pay to the Columbia Bank, their successors or assigns, the sum of twenty dollars for every such offence, to be recovered as debts of similar amount are now or hereafter shall be by law recoverable.

Style.

Location.

Subject to provisions and restrictions of certain act.

Proviso.

Capital stock. SECTION 2. That the capital stock of said company shall consist of one hundred and twenty-five thousand dollars, to be divided into shares of twenty-five dollars each, which said capital stock may be increased by said company so much as in their judgment may be necessary to complete said road and fully carry out the objects of this act.

Commencement and completion of road. SECTION 3. That if the said company do not commence the construction of the said road within three years from the passage of this act,

and complete the same within five years thereafter, then this act to be null and void.

SECTION 4. That a tax is hereby imposed on all tonnage passing over said road, at the same rate, on the same terms, and subject to the same conditions, limitations and restrictions, as are now or may hereafter be provided by law for the Pennsylvania railroad.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 400.

AN ACT

To incorporate the Lewisburg Saving Institution.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Cameron, G. F. Miller, John Walls, William Frick, Peter Beaver, John Houghton, Alexander Ammons, Thomas Hayes, James S. March, Eli Slifer, Jonathan Nesbit, Alexander McClure, John Gundy, William F. Packer, David Reber, George Schnable, John B. Packer, and every other person hereafter becoming members, are hereby erected into one body politic and corporate, in deed and in law, by the name, style and title of "The Lewisburg Saving Institution," and by that name shall be able to sue and be sued, in all courts and tribunals, and to purchase, have and hold lands, tenements, hereditaments, rents, goods, chattles, and effects, of whatsoever nature or kind, and the same at any time to sell, grant, and dispose of, and to make, execute and deliver all proper and legal conveyances and assurances, and to receive the same, and also to make, have, and use a common seal, establish and put in execution all such by-laws, ordinances and regulations, as may be necessary and fit to subserve the interests of the institution, not being contrary to the constitution and laws of this Commonwealth or of the United States: *Provided,* That the clear yearly value of the real estate so held shall not exceed the sum of two thousand dollars, except such shall have been bona fide mortgaged to the said institution by way of security, or conveyed in satisfaction of debts contracted in the course of its dealings.

SECTION 2. That the business of said institution shall be to receive moneys on deposit, at such rates of interest as may be agreed upon: *Provided,* That the said institution shall not in any case or for any purpose issue its own bills in the manner of bank notes, for circulation as money.

Capital to be liable for deposits.

SECTION 3. That for the security of the depositors of the said institution, it shall be the duty of the persons named in the first section, and such others as may become members of the institution, to raise and pay in a capital of not less than twenty or more than one hundred thousand dollars, in shares of fifty dollars each, which capital shall at all times be liable to the depositors for the amount of their deposits and the interest accruing thereon, the shares to be transferable on the books of the institution, in such manner as may be designated by the by-laws of said institution.

Authorized to invest funds in stocks.
Proviso.

SECTION 4. That the said corporation shall be authorized to invest its funds in public stocks of this State or of the United States, in real securities, or in the discount of notes of personal securities: *Provided*, That the rate of discount at which loans may be made by the said institution shall not exceed one-half of one per centum for thirty days.

Directors.

SECTION 5. That the business of said institution shall be managed and conducted by seven directors, to be chosen in the manner herein-after mentioned, five of whom shall form a quorum to do business; they shall choose from their own number a president, and appoint a treasurer, and such other officers as may be necessary and expedient, and the office of said institution shall be in the borough of Lewisburg.

Officers.

Dividends.

SECTION 6. That the president and directors shall declare dividends of profits of said institution as often as they may deem proper, and a depositor shall have the right of withdrawing his deposits at any time, if not exceeding twenty dollars on ten days' notice, if above that sum and not exceeding forty dollars on thirty days notice, and if above that sum on three months notice.

Depositors to have right to withdraw deposits.

Individual liability.

SECTION 7. That the stockholders of the said Savings Institution shall be individually liable for the debts of the same, which liability shall be enforced in the manner provided for the enforcing the individual liability of stockholders of banks, by the act of the sixteenth day of April, one thousand eight hundred and fifty, entitled "An Act regulating banks," and any officer or agent of said Savings Institution who shall embezzle or appropriate to his own use, without authority, any of the funds of said institution, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than the amount so embezzled or appropriated, and shall be imprisoned in the Union county prison for any period not less than six months nor more than two years, at the discretion of the court.

Penalty for embezzlement or use of funds by officers.

Treasurer to give bond.

SECTION 8. That the treasurer shall give bond to the president and directors of the institution, in a sum not less than five thousand dollars, with two or more sureties, conditioned for the faithful performance of all the duties enjoined on him; he shall be the receiver of all moneys of the institution, and shall disburse and pay the same, under such rules as may be established by the president and directors, and may be removed at the pleasure of the said president and directors.

Meetings for election of directors.

SECTION 9. That there shall be a meeting of the members of the Lewisburg Savings Institution on such day in the month of June next, at such place as a majority of the persons named in this act shall appoint, for the purpose of subscribing stock, and for electing from among the members seven directors, to manage the affairs of the said institution for twelve months thereafter and until a new election shall take place, and in said first election each stockholder shall be entitled to one vote for each share of stock subscribed by him; all future elections shall be held in such manner and at such times as the by-laws shall provide.

SECTION 10. That the president or treasurer shall make a statement annually of the affairs of the said institution, on oath or affirmation, to the Auditor General, to be laid by him before the Legislature. Statement of affairs to be made.

SECTION 11. That this institution shall continue for fifteen years and no longer, except so far as may be necessary to close its business, and the Legislature may at any time alter or revoke the privileges hereby granted. Limitation. Reservation.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twentieth day of April, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

No. 401.

AN ACT

To authorize the trustees of Thomas Joyce to sell certain real estate ; to authorize the New Lisbon Union Railroad company to extend their road within this Commonwealth ; to authorize the Birmingham M'Adamized Turnpike Road company to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Catharine Joyce and Margaret Joyce, surviving trustees of Thomas Joyce, of the county of Allegheny, be and they are hereby authorized to sell and dispose at public sale, of the real estate held by them as trustees of the said Thomas, under and in pursuance of the last will and testament of the Reverend John Joyce, late of the same county, deceased, and to re-invest the proceeds thereof, after deducting the necessary expenses, as well as all charges incurred by them in and about the management of the said property, for the same uses, and upon the same trusts, as the said real estate is now holden : *Provided, however,* That the said trustees shall first give bond, with surety, to be approved by the court of common pleas of Butler county, for the proper application of the proceeds of the said sale, in conformity with the true intent and meaning of this act, and that the said sale shall moreover be approved by the said court. Trustees authorized to sell certain real estate. Proviso.

SECTION 2. That the New Lisbon Union Railroad company, of the State of Ohio, be and the same is hereby authorized to extend its railroad into this State, to some point on the line of the Ohio and Pennsylvania railroads, at or near Enon Valley station, in Lawrence county, with the right to connect with the said Ohio and Pennsylvania railroad, or with any other railroad which may hereafter be constructed to that point, and the said company shall have full power to construct and use their railroad within this Commonwealth, subject to all the New Lisbon Union railroad co., authorized to extend their road, &c.

provisions of an act regulating railroad companies, passed February nineteenth, one thousand eight hundred and forty-nine, so far as the same may be applicable to the construction and working of said extension.

Controversies
originating in
this state, how
settled.

SECTION 3. That in all cases where any matter in controversy shall have originated or arisen within this Commonwealth, and in all matters and things which may in any way relate to or concern the exercise or abuse of the rights, privileges, powers and franchises hereby granted, and also in all things which may relate to or concern a compliance with or a breach of the conditions and provisions of this act, the company shall be as perfectly subject to and under the control of the proper authorities of Pennsylvania, as if the said company had been created by a law of this Commonwealth, and in any suit or action, or proceeding at law or in equity, against said company, the process may be served within the proper county or district upon any known officer or agent of said company.

Statement of
cost of road.

SECTION 4. That it shall be the duty of the president and directors of said company, as soon as any portion of their railroad situated in this State shall be completed and in use for transportation, to prepare a full and accurate statement of the cost of construction of said portion of their railroad, authenticated by the oath or affirmation of the president and secretary of said company, and communicate the same to the Auditor General of this Commonwealth, who shall file the statement in his office.

Stock subject to
taxation.

SECTION 5. That the stock of said road, to an amount equal to the cash value of said portion thereof, shall be subject to taxation by this Commonwealth, at the same rates as other similar property is or may be subject to.

Birmingham &
Brownsville
road, may bor-
row money.

SECTION 6. That the president and directors of the Birmingham and Brownsville M'Adamized Turnpike Road company, be and they are hereby authorized to borrow a sum of money, not exceeding twelve thousand dollars, for the purpose of completing their road, and it shall be lawful for the said company to secure the money so borrowed by bond or bonds of said company, and mortgage upon their property, or otherwise, as the said president and directors may deem proper: *Provided*, That no bond shall be issued for a less sum than one hundred dollars.

Proviso.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The nineteenth day of April, A. D. one thousand eight hundred fifty-three.

WM. BIGLER.

No. 402.

AN ACT

To incorporate the Lock Haven and Tyrone Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* D. K. Jackman, H. L. Dieffenbach, Allison White, N. L. Atwood, of the county of Clinton; W. H. Blair, B. R. Petriken, Charles R. Foster, of the county of Centre; John A. Gamble, W. F. Packer, and Robert Faries, of the county of Lycoming; John T. Mathias, James L. Shultz, and R. A. M'Murtrie, of Blair county; William Frick, of the county of Union; and Israel Painter, of Westmoreland county; and their associates, successors and assigns, be and they are hereby created and erected into one body politic and corporate, by the name, style and Name. title of "The Lock Haven and Tyrone Railroad company," with the power and for the purpose of constructing a railroad, with one or more tracks, from Lock Haven, in the county of Clinton, or from any point within two miles thereof, by the best and most practicable route, to Route. Tyrone, in the county of Blair, or to such other suitable point on the Pennsylvania railroad, in Blair county, as may be deemed most advisable, with the right and privilege to connect the same with the said Pennsylvania railroad, the Sunbury and Erie railroad, or any other railroad which it may intersect, with the power also to extend a branch or lateral railroad or railroads to any point in the county of Clinton, and in the county of Centre, deemed useful and expedient by the said company, not exceeding ten miles in length in any case, subject to all the provisions and restrictions of "An Act regulating Railroad companies," approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine, so far as the same are not altered or supplied by the provisions of this act. Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of twenty-five thousand shares, of fifty dollars each: *Provided*, Said company may increase their capital stock so much as in their opinion may be necessary to complete the said road and carry out the true meaning of this act. Capital stock. Proviso.

SECTION 3. That if said company shall not commence the construction of said road within three years, and complete the same within seven years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of the company. Commencement and completion of road.

W. P. SCHELL,
Speaker of the House of Representatives.

THO. CARSON,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D. one thousand eight hundred and fifty-three.

WM. BIGLER.

[1852.]

No. 403.

AN ACT

To incorporate the Temporary Home Association.

Preamble.

WHEREAS, To secure from fraud and imposition a class of persons whose homeless situation exposes them to the arts of the vicious and designing; to provide a safe shelter or transient boarding house for females out of employ, where those who have funds may be accommodated at small expense, and where those who have not will be received under an engagement to pay when they are able whatever compensation their circumstances may admit; also to provide a temporary asylum where destitute children, of age suitable to be placed in families, can be taken care of until permanent homes may be procured; a society of women has been formed, and denominated "The Temporary Home Association," whose members have petitioned to be incorporated, to enable them more effectually to accomplish their purpose of humanity; Therefore,

Corporation.

Style.

Privileges.

Membership.

Annual meetings & appointment of officers.

Powers & duties of managers.

Intelligence office.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons who are now or shall hereafter become contributors, as hereinafter prescribed, are hereby incorporated into a society, by the name of "The Temporary Home Association," and by that name shall have perpetual succession, with power to have a common seal, to make contracts, sue and be sued, to take, hold, mortgage, any estate, real and personal, the annual income of which at any time in actual possession, shall not exceed ten thousand dollars, to be appropriated to the purposes of said charity, and to make by-laws, rules and regulations, for the government of the society, not inconsistent with the constitution and laws of the United States and this Commonwealth.

SECTION 2. Every woman on the payment of not less than one dollar annually, shall be considered a member of this society, or by paying twenty dollars shall be a life member; any person may become an annual contributor.

SECTION 3. The annual meetings of the society shall be held on the first Saturday in May, when a president, vice president, secretary and treasurer shall be appointed, who, with sixteen other members, shall be a board of managers for the ensuing year.

SECTION 4. The managers shall meet within five days after their election; they shall have power to make by-laws for their own government, to fill vacancies, and call special meetings of the society, whenever deemed expedient; they shall meet at least once a month, and appoint a portion of their numbers to be the executive and visiting committee for the ensuing month; they shall make an annual report of their proceedings.

SECTION 5. There shall be an intelligence office under the care of the managers.

SECTION 6. That the building occupied as an asylum by the said society shall during such occupancy be exempt from taxation. Building ex-
empt from tax-
ation.

JOHN S. RHEY,

Speaker of the House of Representatives.

JOHN H. WALKER,

Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 404.

A SUPPLEMENT

To an act entitled "An Act to incorporate the Odd Fellows' Hall Association of the borough of West Philadelphia, in the county of Philadelphia, and for other purposes," passed the eighth day of April, Anno Domini one thousand eight hundred and fifty-one; to alter the plan of the district of the Northern Liberties; and relating to elections in Kingsessing, Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the name, style and title of "The Odd Fellows' Hall Association of the borough of West Philadelphia, and county of Philadelphia," incorporated by the act to which this is a supplement, shall hereafter be known by the name, style and title of "The Odd Fellows' Hall Association of the district of West Philadelphia;" and the proviso to the second section of said act shall be altered and amended so that the said association may have a clear yearly income from their real estate of which they may at any one time be possessed, of five thousand dollars. Odd Fellows
Hall association
of West Phila-
delphia, name
changed.

SECTION 2. That the said association be and is hereby authorized to issue and sell two thousand shares of capital stock, in addition to and upon the same terms designated for the sale of the original one thousand shares authorized to be issued and sold by the third section of the said act incorporating said association. Authority to
sell additional
stock.

SECTION 3. That the number of trustees of the said association shall be seven, having the qualifications heretofore required, constituting a board, to be elected annually, in the same manner, time and place, and for the same purpose, as designated by the said act of incorporation and the supplement thereto. Number of trus-
tees.

SECTION 4. That the object of this association shall be to provide, erect and furnish a hall or suitable building or buildings in the district of West Philadelphia, in the county of Philadelphia, for the accommodation of lodges and encampments of the Independent Order of Odd Fellows, other associations and societies, for the use of the district commissioners of the district of West Philadelphia, a public library, and such other purposes as the said trustees shall deem proper, by renting the same. Object of asso-
ciation.

Stock forfeited on refusal to comply with terms of subscription.

SECTION 5. That in the event of any of the subscribers to the capital stock heretofore or hereafter subscribed, refusing or neglecting in any wise to comply with the terms of subscription for the space of sixty days after they shall have been respectively notified thereof, they shall forfeit the money or installments already paid by them respectively; which shall become the property of or enure to the said association, and the trustees are hereby authorized thereupon to sell and dispose of the same, in such manner as they may determine, as if the same had never been issued or sold.

Trustees.

SECTION 6. That the trustees for the time being, or a majority of them, shall have power to carry out the objects of this association, as hereinbefore expressed by the act of incorporation and by this supplement; they shall elect from their own body a president, and also elect a treasurer and secretary, and appoint such other officers and agents as they shall deem necessary to conduct and execute the business affairs of the said association, fix the compensation of said officers and agents, and at their discretion dismiss them; they shall provide for the investment of the funds of the association, in such manner as they shall deem most safe and beneficial, provide for paying all necessary expenses of conducting the affairs of the association, and generally to pass all by-laws necessary to the exercise of these and other powers vested in said association, and the said by-laws from time to time to alter and repeal: *Provided*, That such by-laws shall not be contrary to the constitution and laws of this Commonwealth nor of the United States.

Officers.

Proviso.

District of West Philadelphia authorized to subscribe stock.

SECTION 7. That it shall and may be lawful for the district of West Philadelphia, according to the discretion of the president and commissioners thereof, or a majority of them, to subscribe to or purchase any number not exceeding four hundred shares of the capital stock of said association, and the said president and commissioners are authorized to borrow in anticipation of taxes, for any period not exceeding twenty years from the date of the loan, such amount as they may determine to subscribe, in order to meet the payment of such subscription.

May borrow money.

Repeal.

SECTION 8. That the ninth section of the act to which this is a supplement, and the proviso in the eighth section of said act, be and the same are hereby repealed.

Commissioners of incorporated district of the Northern Liberties authorized to revise a certain plan or draft.

SECTION 9. That the commissioners of the incorporated district of the Northern Liberties be and they are hereby authorized and empowered to revise so much of a certain plan filed in the office of the clerk of the court of quarter sessions of the county of Philadelphia, on the twenty-second of October, one thousand eight hundred and fifty, as lies north of Willow street, in the said district, and to make such alteration or corrections therein as in their opinion the public interest and convenience may require, of which alteration or correction they shall cause a correct draft or plan to be made, and deposit the same in the office of the clerk of the court of quarter sessions of the county of Philadelphia, and the said revised draft or plan, when so deposited, shall thereupon have the same force and effect as the plan deposited on the said twenty-second of October, eighteen hundred and fifty, would have had had no alteration been made therein.

Three additional school directors authorized to be elected in Kingsessing, Philadelphia county.

SECTION 10. That the qualified electors of the township of Kingsessing, in the county of Philadelphia, shall on the third Friday in March next, at the time and place of holding constables elections, elect three citizens in addition to the number now required by law, to serve as school directors, and the said additional school directors so elected, shall divide themselves by lot into three classes; one-third to serve for one year, one-third two years, and the remaining one-third for three years;

and annually thereafter the qualified electors shall elect three citizens to serve as school directors for the term of three years.

JOHN S. RHEY,
Speaker of the House of Representatives.

JNO. H. WALKER,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, A. D. eighteen hundred and fifty-two.

WM. BIGLER.

No. 405.

AN ACT

To incorporate Iris Lodge number one hundred and eighteen, Independent Order of Odd Fellows, Bethany, Wayne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Ira Vadakin, A. B. Sloan, H. G. Chase, H. D. Brooks, Elijah Hadfield, Benj. Munson, E. W. Hamlin, Alonzo Hubbard, Pope Bushnell, Thos. Stephens, B. T. West, D. Cramer, Wm. Patridge, J. A. Hubbard, William N. Fisher, J. G. Tuttle, H. Gregory, C. Tracy, J. L. Terell, and their successors, and all persons who hereafter may be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and **Style.** title of "Iris Lodge number one hundred and eighteen, Independent Order of Odd Fellows, of Bethany, Wayne county," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, and shall be able **Privileges.** and capable in law and in equity to take and to hold, to them and their successors, either by grant, gift, devise or lease, any building, lands or real estate, for use or the purpose of erecting thereon a suitable building or buildings for the accommodation of said body politic, and also to take and hold, for the use of said body politic, any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise or bequest, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell, lease or mortgage, for the use or benefit of the said body politic, and also all contracts or trusts heretofore made or held for the benefit and use of said Lodge, by Ira Vadakin, Oliver D. Dunham, Harrison Gregory, and Hawley Olmstead, trustees of said Lodge, be and the same shall enure to the benefit of said Lodge or Independent Order of Odd Fellows, as if made in pursuance of this act; and further, to do all and singular the matters and things which shall be lawful for them to do for the well-being and due management of the affairs **Proviso as to** of the aforesaid body politic: *Provided,* That the real estate of which **real estate.**

the said corporation shall be at any time possessed of, shall not exceed the clear yearly value of three thousand dollars.

Object. SECTION 2. That the object of said body politic shall be to provide, erect and furnish a hall or suitable building or buildings in the borough of Bethany, and county of Wayne, for the accommodation of such bodies politic, associations or societies, and for such other purposes as they shall deem proper.

Seal. SECTION 3. That it shall and may be lawful for said incorporation to have a common seal, and the same at their will and pleasure to change, alter and renew, as they shall deem proper, and shall have and exercise all the rights and privileges and immunities necessary for the purposes of the incorporation hereby constituted, and as herein expressed.

Trustees. SECTION 4. That the government of said Lodge, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually, at such time and in such manner as the said body politic shall by its by-laws provide; at the first meeting of the trustees after their election in each year they shall choose from their body a president, secretary and treasurer.

By-laws. SECTION 5. That the corporation hereby created shall have leave and authority to make by-laws, conformable to the charter and not in violation of the constitution and laws of the United States or of this Commonwealth.

Reservation. SECTION 6. That the Legislature reserves the right to alter, revoke or annul this charter, whenever in their opinion such revocation shall be considered necessary for the public interest: *Provided*, That no injustice shall be done to the corporators thereof.

JOHN S. RHEY,

Speaker of the House of Representatives.

JOHN H. WALKER,

Speaker of the Senate.

APPROVED—The third day of March, A. D. one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 406.

AN ACT

To incorporate the Warriorsmark Water company, in the village of Warriorsmark, Huntingdon county.

Corporators. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Chamberlin, B. F. Patton, David Parker, Abednego Stephens, Jacob Rider, Samuel Eyer, Walter Vantries, John B. Galvin, William Wilson, Jacob Wyant, Samuel Kulp, Samuel Rider, Jesse Mothersbaugh, George Guyer, H. K. Neff, M. D., Martin Itinger, James Thompson, D. Bates, Elijah Gauve, Gideon Gauve, together with such other persons as hereafter may be admitted as members thereof, in the manner hereinafter provided, their successors and assigns, shall

be and they are hereby made and constituted a body politic and corporate, in fact and in law, by the name, style and title of "The Warriorsmark Water company," and by the same name, style and title, shall have continual succession, and shall be empowered with all the legal incidents to a corporation aggregate: *Provided*, That the real estate by them to be held, shall be only such as shall accommodate the corporation in the transaction of the business thereof, or shall be taken and held in security for the payment of debts due to the said corporation, and that no by-law to be made by the said corporation, shall be repugnant to the constitution of this State or of the United States, and the capital to be employed shall not at any time exceed ten thousand dollars. Proviso as to real estate.

SECTION 2. That on the third Saturday in March next, and on the same day in each year thereafter, the members of the said corporation shall convene for the election of officers of said company, consisting of a president, secretary, treasurer, and seven managers, who together shall constitute a board, and any six of them form a quorum to transact the business of the company, and who shall continue in office one year and until successors shall be chosen, and in the event of a failure to elect on the day herein appointed, the election shall be held as soon thereafter as practicable, giving at least ten days' notice of the time and place of election, and until the first election hereby authorized, and until successors shall be chosen as herein directed, George Guyer, junior, shall be president, H. K. Neff secretary, Benjamin P. Patton treasurer, and A. Stevens, James Chamberlin, D. Bates, Samuel Eyer, Samuel Rolston, Richard Wills, and David Parker, managers of the said company, with power to transact all the business hereafter enjoined by the by-laws on the officers of the corporation. Annual meeting.
Officers.

SECTION 3. That all general meetings of the company shall be held at such times and places as shall be provided for in the by-laws, and in all elections, and upon all questions arising at meetings of the stockholders, each stockholder shall be entitled to one vote for each share bona fide held by him not exceeding four, and for every two shares above the first four and not exceeding twelve one vote, and for every four shares above the first twelve and not exceeding twenty-eight one vote, and for every eight shares above the first twenty-eight and not exceeding one hundred one vote, and no stockholder shall be entitled to more than twenty-one votes, and no votes by proxy shall be received, and five dollars shall constitute a share. Ratio of votes.

SECTION 4. That the board of managers shall have power from time to time to erect and repair such works as shall be necessary to supply a sufficient quantity of pure water to any building in the said village of Warriorsmark, from such stream or spring as may be fixed on and purchased by said company for that purpose, by means of pipes, trunks, or aqueducts, or other means, and also provide proper cisterns or reservoirs for the reception thereof, and for these purposes they may enter into such lands or enclosures as may be necessary, to dig, ditch, and lay pipes and trunks through the same, doing as little damage as possible to private property, and paying for whatever damage shall be done by them; in case the parties cannot agree, according to an assessment made under oath or affirmation by three disinterested persons, to be appointed on application by the court of common pleas in and for the county of Huntingdon; and the president and managers shall at all times, paying damages as aforesaid, have liberty to renew and repair the pipes and trunks which have already been laid, or which shall hereafter be laid, on and through private property, and also have liberty at all Erection of works for the supply of gas.
Enter on lands.
Damages.

times to dig and lay pipes or trunks along roads and highways, and along streets and alleys of the said village of Warriorsmark, and to renew and repair the same, shutting up and amending any breach which they may respectively make as soon as possible, and it shall be lawful for them to make cisterns and reservoirs, and to set hydrants in the streets and public grounds in the said village of Warriorsmark, when it may be deemed necessary: *Provided*, That in all cases where the damages assessed in the manner provided for in and by this section, shall exceed the sum of twenty dollars, either party may, within thirty days after such assessment shall be made and notice thereof given to the parties, appeal to the said court of common pleas of the county of Huntingdon, and in every case in which such appeal shall have been taken, like proceedings may be had as in other cases in said court.

Proviso as to
damages.

Hydrants to be
erected.

Further powers.

Proviso as to
the use of the
water and ma-
licious injuries
to works.

SECTION 5. That the board of managers shall, in such streets or parts of the said village of Warriorsmark where pipes or trunks shall have been laid, erect hydrants, to be used for the purpose of extinguishing fires, and shall have liberty to supply, or suffer individuals to be supplied with water for domestic or manufacturing uses for such reasonable compensation as shall from time to time be agreed upon by the said company and said individuals, according to certain uniform rates hereafter to be adopted by said company, having regard to the probable quantity of water which applicants are likely to consume; and the said company shall have power to lease or rent out any surplus stream or water power that may be found to exist, after the purpose of providing water for the inhabitants of Warriorsmark shall have been obtained, and any person or persons within the said village who shall take any of the said water for any purpose or use whatever, without having previously contracted for the same with the said company, shall forfeit and pay for every such offence the sum of three dollars to the said company, to be recovered before a justice of the peace, in the same manner as debts of the same amount are now recoverable: *Provided*, That nothing herein contained shall be construed to compel the inhabitants of said village to use the water so introduced by said company, or to prevent them from using water obtained in any other way, and any person or persons who shall wilfully destroy or injure in any way the pipes, cisterns, aqueducts, reservoirs, machinery, buildings, hydrants, or any of them, or any of the works of said company, or shall willfully corrupt or render otherwise unwholesome the water brought or conveyed or to be brought or conveyed into the village of Warriorsmark by the said company, or the stream or streams, spring or springs, from which the same is brought or to be brought, shall upon conviction before a justice of the peace, be deemed guilty of malicious mischief, and be liable moreover to the company for damages sustained by such injury.

Power to recov-
er debts con-
tracted for
water.

SECTION 6. That it shall be lawful for the said company, through its officers, to sue for and recover from all such person or persons using the water, all such sum or sums of money as shall have been agreed to be paid by them for the use of the water, as aforesaid, by action of debt, to be brought before any justice of the peace of said county, in the manner as debts not exceeding one hundred dollars are or shall be by law recoverable.

Seal.

Certificates of
stock.

SECTION 7. That the company shall procure a common seal, and the certificates of stock, and other official acts shall be authenticated by affixing the same, and the president and managers shall procure certificates for all the shares of stock of said company, and shall deliver one such certificate, signed by the president, countersigned by the secretary, and seal as aforesaid, unto each person for the number of shares held

by him or her, as soon as five dollars shall be paid on each share, and every such certificate shall be transferable, in person or by attorney duly authorized, in the presence of the president or secretary of said company, subject, however, to all payments due and to become due thereon, and the assignee holding such certificate, having caused the assignment to be entered in a book of the company, to be a member of the corporation, and possess and enjoy all the rights and privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber.

SECTION 8. That the stockholders shall receive from the company, Stockholders to receive interest. after the completion of the work, interest at the rate of six per cent. per annum on amount of certificates held by them, in accordance with the requirements in the seventh section of this act, said interest to be paid half-yearly, from the general fund; and the surplus revenue arising from the water tax, after having paid the ordinary and necessary expenses of the company, and the said interest to stockholders, shall be applied semi-annually to the payment of stock certificates, and whenever the debts of the corporation shall have been paid, and the full number of stock certificates, with interest, shall have been cancelled, and the income shall exceed the expenses of the company, the assessments upon the consumers of the water may be so modified as to but raise sufficient money for the ordinary expenses of the company.

SECTION 9. That the capital stock of the company shall be called in Capital stock to be paid in installments as may be required by the President and Managers. and paid at such times and in such proportions and installments, not, however, exceeding one dollar per share, in any period of thirty days, as the president and managers shall require, of which public notice shall be given for at least ten days next preceeding the time or times appointed for that purpose, by written or printed notices from the treasurer of said company, and if any stockholder shall neglect to pay such proportion or installments so called for, at the time and place appointed, he, she or they shall be liable to pay in addition to the proportion or installment so called for, at the rate of two per cent. per month for the delay of such payment, and if the same and the additional penalty, or any part thereof, shall remain unpaid for the period of three months, he, she or they shall, at the discretion of the president and officers of said company, forfeit to the use of the company all right, title and interest in and to every and all share or shares on account of which such default in payment may be made, as aforesaid, or the directors may at their option cause suit to be brought before any competent tribunal for the recovery of the amount due on such shares, together with the penalty of two per cent. per month, as aforesaid, and in the event of a forfeiture, the share or shares so forfeited may be disposed of at the discretion of the president and managers, under such rules and regulations as may be prescribed by the by-laws; no stockholder shall be entitled to vote at any election, nor at any general or special meeting of the company, on whose share or shares any installment or arrearages may be due more than thirty days next preceeding said election or meeting.

SECTION 10. That the said work shall be commenced on or before Commencement and completion of said work. the first day of April, one thousand eight hundred and fifty-five, and completed within ten years thereafter.

JOHN S. RHEY,
Speaker of the House of Representatives.
JOHN H. WALKER,
Speaker of the Senate.

APPROVED—The fifth day of March, A. D. one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 407.

A N A C T

To incorporate the Harrisburg Mutual Health Insurance company.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*
- Corporators.** Jacob Seiler, James Herrington, James Fox, Stephen Miller, James G. Sample, E. W. Roberts, Wells Coverly, and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name, style and title of "The Harrisburg Mutual Health Insurance company,"
- Style.** and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record or elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels, of whatsoever kind, and choses in action, and the same sell and dispose of from time to time, and also to make and have a common seal, and the same to alter and renew at pleasure, and also to make, ordain, establish, and put in execution, such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the corporation, and for the management of its property and the regulation of its affairs, not being contrary to this charter and the laws of this Commonwealth or of the United States, and generally to do and transact all such matters and things as shall to them lawfully appertain to do and transact for the well-being of said corporation: *Provided*, That the clear yearly value of the lands and tenements of said corporation, including those held for its own use and accommodation, shall not exceed two thousand dollars: *And provided*, That nothing in this act shall be construed to allow said corporation to exercise banking privileges.
- Privileges.**
- Proviso.**
- Capital stock.** **SECTION 2.** That there shall be an original guaranty capital stock, not to exceed fifty nor less than twenty-five thousand dollars, to be divided into shares of fifty dollars each, and there shall be paid into the treasury of said corporation by each subscriber to the said guaranty capital, at the time of subscribing, an installment of five dollars on each share of stock by him, her or them so subscribed, and the remaining sum due on each share shall be paid in such installments and at such times as the financial condition of the company shall require, to enable it to liquidate all claims or demands upon the treasury for losses or expenses, such installments to be equally assessed on all stock so subscribed, all installments to be paid within thirty days after notice of the same by the directors; the directors shall have power to require security on all stock subscribed for, if they deem it expedient for the safety of the company, and to forfeit the stock of such subscribers as upon such notice may fail to pay said installments, or any of them, and generally to adopt such course as they may think best calculated to advance the interest of the institution.
- Powers.** **SECTION 3.** That the corporation hereby created shall have the power to insure the health of the stockholders of the said company, as well as

all other persons who shall make application for that purpose, and to make all and every insurance appertaining to or connected with health risks, of whatsoever kind or nature, payable in such sums and on such conditions and to such persons as may be prescribed in the by-laws of said corporation.

SECTION 4. That all the corporate powers of said corporation shall be exercised by a board of directors and such officers and agents as they may appoint; the board of directors shall consist of five persons, including the president, to be elected from among the stockholders; said directors shall annually elect from among themselves a president, who shall continue in office for one year, or until a successor is chosen, and the directors shall have power to declare by by-laws what number of directors less than the whole shall form a quorum for the transaction of business.

Corporate powers to be exercised by board of directors & other officers.

SECTION 5. That all persons who shall hereafter insure with said company shall become members during the period they shall remain insured by said company, and no longer, and shall be entitled to one vote at all elections for directors of said company.

Who shall be members.

SECTION 6. That every person who shall become a member of this corporation by effecting insurance therein, shall pay such rates of premiums as shall be fixed upon and determined by the directors, and no member so insured shall be liable for any losses or expenses of said company beyond the amount agreed on in the application or policy of such member.

Rates of premiums.

SECTION 7. That the directors may determine the rates of premiums, the terms of insurance, and the sum to be insured from time to time, as they may deem expedient.

Rates of premiums determined.

SECTION 8. That it shall be lawful for said corporation to invest its capital, premiums, or profits, in bonds, mortgages, notes, ground rents, stocks and loans of the United States and State of Pennsylvania, and to sell, transfer and change the same, and re-invest the funds of said corporation, when the directors shall deem it expedient.

Premiums how invested.

SECTION 9. That the directors shall, on or before the first Monday in January of each year, cause a statement of the affairs of the company to be made, and a balance to be struck of the profit and loss account, and if there shall be any ascertained profits or surplus after paying all losses and expenses of the company for the preceding year, and providing for outstanding risks, the directors shall first set apart said profits, and divide therefrom to the subscribers to the guaranty capital a sum not exceeding six per cent. per annum on the stock held by them: *Provided*, So much of said profits remain after paying said losses and expenses, and providing for said risks; and in case there is not sufficient remaining, as aforesaid, to pay aforesaid dividend of six per cent to the stockholders in any one year, the same may be made good and payable at any subsequent period, when the net resources of the company shall be sufficient for that purpose.

Annual statement of affairs.

Provided.

SECTION 10. That after providing for all risks, losses, incidental expenses and dividends, as specified in the preceding sections, then a moiety or half part of the remaining profits and surplus, if any there be, shall be reserved by the directors as a contingent fund, for the purpose of meeting the demands upon the company in seasons of extraordinary sickness, and the other moiety or half part of said remaining profits and surplus may be divided among the persons then insured, according to their respective interests, but no dividend whatever shall be made whereby the capital stock of said corporation shall be reduced or impaired, only as provided above.

Surplus to be reserved as a contingent fund.

Forfeiture of stock.

SECTION 11. That in case of the death of any stockholder or person insured, the amount standing to his or her credit, if any, shall be paid over to his or her legal representatives within ten days after due proof of the same, the profits and dividends of such stockholders and persons insured as have ceased to comply with the rules and regulations of the company by non-payment of premiums, or a renewal of the policy of insurance, shall be forfeited to the use of the company.

Annual balance statement of affairs.

SECTION 12. That within thirty days after the first Monday in January, one thousand eight hundred and fifty-three, and annually thereafter, the directors of said company shall cause to be made a general balance statement of the affairs of said company, which shall be entered in a book prepared for that purpose: Such statement shall contain:

Contents of statement.

I. The amount of premiums received during the previous year, and the amount of interest received from investments and loans.

II. The amount of expenses for the same period.

III. The amount of losses incurred within the same term.

IV. The balance remaining with the said company.

V. The nature of the securities in which the said balance is invested, and the amount of cash on hand, also a full account of existing policies; and the directors shall cause the said statement to be published at least in one newspaper published in Harrisburg, for two weeks.

Business of corporation where carried on.

SECTION 13. That the business of the said corporation shall be carried on at such place in the borough of Harrisburg as the directors shall direct, and at such agencies out of Harrisburg as they may establish, and the first meeting of this corporation shall be held as soon as practicable after the passage of this act, at which time five directors

Meetings.

shall be elected by ballot, to serve until the end of the financial year or until others are elected in their place; the said directors shall pass all by-laws, rules and regulations necessary for the good government of the affairs of the company; they shall determine the rates of insurance, and the amount of each risk; they shall have the power of calling meetings and fixing stated periods for the same; also to appoint such officers, agents and clerks, and fix the salaries of the same, as they shall deem necessary and expedient for the transaction of the business and the good of the corporation.

Penalty for embezzlement.

SECTION 14. That if any director, officer, or other person connected with this institution, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person, any money or other property belonging to said institution, or left with it as a special deposit, or otherwise, he or they, upon conviction thereof in the court of quarter sessions, shall be fined in a sum not less than five hundred dollars, and be sentenced to and undergo an imprisonment in the penitentiary or county prison, for any term not exceeding two years, at the discretion of the court: *Provided*, That this conviction shall not prevent any person aggrieved from pursuing his or her civil remedy against such person or persons.

Proviso.

Liability.

SECTION 15. That every person who shall subscribe to the capital stock of this company shall be liable for the amount of his, her or their stock so subscribed, and the amount of premiums paid by them for insurance, and no farther.

Vacancies how filled.

SECTION 16. That the board of directors may fill vacancies in their body occasioned by death, resignation, removal, or refusal to act; the said appointments to continue until the next annual election of directors; the election for directors shall be held on the first Monday of January in each year, at such place in the borough of Harrisburg, and at such

Election of officers.

an hour in the day, as the directors shall designate, of which time and place the secretary shall give notice at least two weeks previous, in one or more newspapers published in Harrisburg, and the directors shall appoint three persons from among the stockholders to conduct said election; such election shall be by ballot, and a plurality of votes given shall elect; each shareholder shall be entitled to vote as follows: For one share one vote, for three shares two votes, for six shares three votes, for ten shares four votes, for sixteen shares five votes, for twenty-five shares six votes, for thirty-five shares seven votes, for fifty shares eight votes, for seventy-five shares nine votes, for one hundred shares and upwards ten votes; absent stockholders may be represented by proxy.

SECTION 17. That no person shall be eligible to the office of director, secretary, treasurer, or actuary, who does not hold at least five shares of the guaranty capital stock. Eligibility.

SECTION 18. That the officers, agents and stockholders, may be examined as witnesses in all suits at law wherein the said company is a party. Suits.

JOHN S. RHEY,
Speaker of the House of Representatives.

JOHN H. WALKER,
Speaker of the Senate.

APPROVED—The eighteenth day of March, A. D. one thousand eight hundred fifty-two.

WM. BIGLER.

No. 408.

A N A C T

Incorporating the English Lutheran Congregation at Columbia, Lancaster county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the English Lutheran Church of the borough of Columbia, in the county of Lancaster, be and the same are hereby created and erected into one body politic and corporate, in deed and in law, by the name, style and title of "The English Lutheran Congregation at Columbia." Corporation.

SECTION 2. That the said corporation, by the same name, style and title, shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and equity to take, hold and enjoy, for the use of said church, such lands and tenements, goods and chattels, as now are or hereafter shall become the property of the said church or corporation, or to be held for its use, by gift, grant, devise, bequest, or otherwise, from any person or persons whomsoever capable of making Privileges.

- the same, and the same to grant, bargain, sell, mortgage, encumber, improve, or dispose of, for the use of the said congregation : *Provided*, That the value or clear yearly income of said estate shall not exceed the sum of three thousand dollars.
- Proviso.
- Business of corporation how conducted.
- Trustees.
- Annual elections.
- Who shall vote.
- Management of property.
- Seal.
- Proviso.
- SECTION 3. That the business of said corporation shall be conducted by not less than three nor more than five trustees, who shall choose from their number a president, a secretary, a treasurer, and such other officers as they may from time to time deem necessary for the better government of said corporation, and until others are elected as is hereinafter provided : The following persons shall be the trustees, to wit : John Hippey, Henry Pfahler, and Andrew Gohn ; one of said trustees shall hold his office until January first, one thousand eight hundred and fifty-three ; one until January first, one thousand eight hundred and fifty-four ; and one until January first, one thousand eight hundred and fifty-five ; the annual election to take place on the first day of January in each year, when a new trustee shall be elected for the term of three years.
- SECTION 4. That no person shall have the privilege of voting for any church officers, or for any affairs appertaining to the church, who is not a member of the said church and in full communion.
- SECTION 5. That the said trustees and their successor in office, shall have the whole care and management of the property, real, personal or mixed, belonging to the said corporation, and be accountable thereto for their official conduct.
- SECTION 6. That the said trustees shall have full power to make and use one common seal, with such device or inscription thereon as they may deem proper, and the same at pleasure to break, alter or renew, and also to enact such by-laws and ordinances, and enforce the same, from time to time, as they may judge necessary and expedient for the prosperity and good government of the said corporation : *Provided always*, That the same be not inconsistent with the constitution and laws of the United States or of this State, or with the forms of discipline by which said congregations are governed.

JOHN S. RHEY,

Speaker of the House of Representatives.

JOHN H. WALKER,

Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 409.

A N A C T

To provide for the payment of surveyors when employed in locating roads, in Washington county; to incorporate the Odd Fellows' Hall Association of Coopersburg, Lehigh county; and to vacate a certain road in Dauphin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be the duty of the treasurer of Washington county to pay to every surveyor engaged in locating and making draughts of roads, two dollars per day for every day necessarily employed in accordance with the requisitions of the orders of court for the location of roads within the said county of Washington. Compensation
of surveyors in
Washington co.

SECTION 2. That Charles L. Mohr, Jesse Gruber, Jacob Cooper, Reuben Winsele, Daniel Cooper, John Henry Dickenshied, Aaron Butterweck, Tobias Gross, Harvey S. Ball, Milton Cooper, Levi Line, Edward Seider, and Theobold Ulrich, and their successors, and all persons who now are or hereafter may be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Odd Fellows' Hall Association of Coopersburg, Lehigh county," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, and shall be able and capable in that name, in law and equity, to take and hold, to them and their successors, either by grant, gift, devise, lease, or otherwise, any lands or real estate, with a building thereon erected, for the use of said association, or lands or real estate, for the purpose of erecting thereon buildings for the use of said association, and also to take and hold for the use of said association any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, devise, will, bequest, or otherwise, from any person or persons whatsoever capable of making the same, and the same at their pleasure to grant, bargain and sell, for the use of said association, and generally to do all and singular the matters and things which shall be lawful for them to do for the well-being and management of the affairs of said association: *Provided,* That the real estate of which the said corporation shall be at any time possessed, shall not exceed the clear yearly value of two thousand five hundred dollars. Corporators.
Style.
Privileges.
Proviso.

SECTION 3. The object of the said corporation shall be to provide, erect and furnish a hall and suitable buildings in the village of Coopersburg, and county of Lehigh, for the accommodation of the members of Coopersburg lodge of Odd Fellows, and other lodges that may be established in said village, to hold their meetings in. Object.

SECTION 4. That it shall and may be lawful for said corporation to have a common seal, and the same at will and pleasure to change, alter and renew, as they shall think proper, and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed. Seal.

Board of trustees.

Annual elections.

Officers.

By-laws.

Reservation.

U. Paxton tp.
Dauphin co., a
road in vacated.

SECTION 5. That the government of the said Odd Fellows' Hall Association, and the management and disposition of its affairs and property, shall be vested in a board of trustees, consisting of five members of the said lodge, who shall be elected annually, on the third meeting nights in the month of March in every year: the officers of the said association shall be a president, secretary and treasurer, who shall be elected at the annual elections of trustees, by the trustees, except the secretary, who shall be elected by the members of the lodge; all the officers shall be trustees: that it shall be the duty of the president and secretary to sign all writings obligatory on the part of the association.

SECTION 6. That the corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the constitution and laws of this Commonwealth or of the United States.

SECTION 7. That the Legislature hereby reserves the right to alter, revoke or annul the charter of the said Odd Fellows' Hall Association of Coopersburg, Lehigh county, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such a manner, however, that no injustice shall be done to the corporators thereof.

SECTION 8. The road known as the Lower road, in Upper Paxton township, Dauphin county, on the Wiconisco road, running from the borough of Millersburg through the farm known as the Musser farm, is hereby declared to be vacated, or so much of said road as lies on the west side of the small Wiconisco creek, in said Upper Paxton township, Dauphin county.

JOHN S. RHEY,
Speaker of the House of Representatives.

JNO. H. WALKER,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 410.

AN ACT

Authorizing Charles Bensinger, Guardian, to sell a certain lot of ground situate in the town of Middleport, Schuylkill county; authorizing certain trustees under the will of Joseph Parker Norris to let on ground rent certain parts of his real estate; and relating to the Nanticoke and Hughesville Turnpike Road company.

Preamble.

WHEREAS, John C. Dacosta and others, on the thirteenth day of July, Anno Domini one thousand eight hundred and fifty, executed a deed of conveyance to Mary Schuler, Silvester Schuler, and Francis R. Schuler, conveying to them as tenants in common, all that certain lot of ground in the town of Middleport, in the county of Schuylkill, being lot No. 7 in the general plan of the said town, as in the said deed described:

And Whereas, The consideration money on the part of the said Sil. Preamble. vester and Francis R. Schuler, was paid by Charles Bensinger, their legally constituted guardian, out of the funds of the said minors :

And whereas, The said minors being still under the age of fourteen Preamble. years, and it not being known that said minors will accept of the said purchase until they arrive at the age of twenty one years, and there being a difficulty in relation to the necessary improvements upon the said lot, and Mary Schuler, the co-tenant and mother of the said minors, being willing to take the title to the said lot and pay the amount of the purchase money and interest due thereon : Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Charles Bensinger, the guardian aforesaid, be authorized to convey to the said Mary Schuler and to her heirs and assigns in fee, all the interest of the said minors in the said lot of ground, and all resulting interest which he may have therein, on the payment by her of the cost of the said lot and interest and expenses thereon. C. Bensinger to convey interest in a certain lot.

SECTION 2. That the trustees under the last will of Joseph Parker Norris, late of the city of Philadelphia, deceased, of the Fair Hill estate, in the county of Philadelphia, and such as may lawfully succeed them in their respective trusts, whether by appointment of a court of this Commonwealth or otherwise, are hereby authorized and empowered to purchase at any sheriff's sale, or at any other public or private sale, any real estate upon which the said trustees now have, or upon which the said trustees or their successors in the trust may hereafter have or hold any mortgage, judgment, or other lien or incumbrance, or out of which any ground rent held by the said trustees or their successors has been or may be hereafter reserved or required. Trustees under will of Jos. P. Norris to purchase real estate.

SECTION 3. That all the real estate that may be hereafter purchased or acquired by the said trustees or their successors, under the authority of this act, shall be held by them upon the uses and trusts, and for the same purposes, and with the same and like powers and authorities, in all respects, as are mentioned, declared, given and conferred, in and by the said last will and testament of the said Joseph Parker Norris, and in and by any act or acts of the General Assembly of the Commonwealth of Pennsylvania passed relative to said estate. Real estate purchased to be held in a certain manner.

SECTION 4. That the president and managers of the Nanticoke and Hughesville Turnpike Road company shall have power, if they deem it expedient, to change part of their turnpike, or any part of the line of said turnpike, into a plank road, subject, so far as the same may be changed to a plank road instead of a turnpike, to all the rules, regulations and restrictions prescribed in the act of the twenty-sixth of January, eighteen hundred and forty-nine, regulating turnpikes and plank road companies, and supplements thereto. Nanticoke and Hughesville turnpike comp., additional powers granted.

JOHN S. RHEY,

Speaker of the House of Representatives.

JOHN H. WALKER,

Speaker of the Senate.

We do certify, that the bill entitled "An Act authorizing Charles Bensinger, guardian, to sell a certain lot of ground situate in the town of Middleport, Schuylkill county; authorizing certain trustees under the will of Joseph Parker Norris, to let on ground rent certain parts of his real estate; and relating to the Nanticoke and Hughesville Turnpike Road company;" was presented to the Governor on the

sixth day of March, eighteen hundred and fifty-two, and was not returned within ten days (Sundays excepted) after it had been presented to him, has become a law in like manner as if he had signed it.

WM. JACK,

Clerk of the House of Representatives.

JOHN M. SULLIVAN,

Clerk of the Senate.

HARRISBURG, March 26, 1852.

411.

AN ACT

To incorporate the Mercer and New Castle Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. William M. Stephenson, Samuel Kerr, William F. Clark, William McKean, Marmaduke Rambo, James M'Connell, Thomas Wilson, Henry Pearson, John Moore, James McKean, Samuel Griffith, James D. Moore, John Forker, John McGill, Samuel Gibner, or any two of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style and title of "The Mercer and New Castle Railroad company," with all the powers, and subject to all the restrictions and provisions prescribed by an act entitled "An Act regulating Railroad companies," approved the nineteenth day of February, in the year one thousand eight hundred and forty-nine.

Name and style.

Subject to the provisions and restrictions of certain act.

Capital stock. Proviso.

SECTION 2. That the capital stock of said company shall consist of ten thousand shares, at thirty dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the said road, and to carry out the true intent and meaning of this act.

Location.

SECTION 3. That the said company shall have the right to build and construct a railroad, beginning at a point at or near the borough of Mercer, in Mercer county, and terminating at a point at or near New Castle, in Lawrence, or terminating at Enon Valley, or at New Brighton, in Beaver county, or at any intermediate point of connexion with the Pennsylvania and Ohio railroad, as to the company may seem best and most advantageous.

Branch railroad.

SECTION 4. That the said company are hereby authorized to construct branch railroads from the main line of the road, to accommodate the owners of coal lands, or the points of trade, subject, however, to the restrictions and conditions hereinafter provided and imposed.

Commencement and completion of road.

SECTION 5. That if said company shall not commence the construction of said road within the period of two years from the passage of this act, and shall not complete the same within the period of five

years, this act shall be null and void, except so far as the same may be necessary to settle up the affairs and pay the debts of said company.

JOHN S. RHEY,
Speaker of the House of Representatives.

JNO. H. WALKER,
Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 412.

AN ACT

To incorporate the Germantown Town Hall company; to authorize the executors of Abraham Kunzi and the executors of Facy Fletcher, to sell and convey certain real estate; and confirm the title of William Nyce to real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Charles F. Ashmead, George Hergesheimer, Conyers Smith, Lewis W. Leeds, James T. Langstroth, Wyndham H. Stokes, Francis William Bockius, Joseph King, junior, and Jacob Mehl, and all and every other person or persons hereinafter becoming members of the Germantown Town Hall company, in the manner hereinafter mentioned, and upon the conditions hereinafter named, shall be and are hereby created and made a corporation and body politic, by the name and style of German-town Town Hall company, and by that name shall have succession, and be capable in law to hold and dispose of property, to sue and be sued, and be impleaded, in courts of law and equity, and to receive and make all deeds, transfers, leases, contracts, covenants, and grants whatsoever, and to make and have and use a common seal, and the same to change and alter at pleasure, and generally to do and perform every other act, matter and thing necessary to carry into effect the provisions of this act, and to promote the object and design of said corporation.

SECTION 2. That the object of this corporation shall be for the purpose of erecting a building in the borough of Germantown, on such place as the trustees may adopt, for a town hall.

SECTION 3. That the capital stock of said corporation shall not exceed five hundred shares, of fifty dollars each, to be subscribed for and paid in at such times and in such sums as shall be decided on by a majority of the commissioners named in the first section of this act, and in case the whole number of shares be not sold at the first opening of the books, the amount so left unsold may afterwards be disposed of at such time and place, and under such circumstances as the said commissioner or a majority of them may order and direct.

Letters patent.

SECTION 4. That whenever two hundred shares of said stock shall have been subscribed, the commissioners, or a majority of them, shall certify the same under their hands and seals to the Governor, who shall thereupon, by letters patent under his hand and seal of the State, create and erect the subscribers of said capital stock, and such as may thereafter subscribe, into a body politic and corporate, in deed and in law, by the name, style and title of "The Germantown Town Hall company," and so many of the said commissioners hereinbefore named as shall become stockholders, or a majority of them, shall, upon the receipt of the said letters patent from the Governor, organize themselves as a board of trustees for the management of the affairs of said company, by the election from their number of a president, a secretary, and a treasurer, who shall continue in office as trustees of said corporation until the second Monday of May, Anno Domini one thousand eight hundred and fifty-two, and until other trustees shall be elected.

Meeting of stockholders.

SECTION 5. That there shall be a meeting of the stockholders of said corporation on the second Monday of May, Anno Domini one thousand eight hundred and fifty-two, at such place as the trustees so as aforesaid appointed shall appoint, giving at least ten days' notice in one or more of the newspapers in said borough, and on said day, and at such place annually thereafter, as by the by-laws of said corporation shall be provided, for the purpose of electing or choosing, in such mode or manner as may be prescribed by said by-laws, from among the stockholders seven trustees, to manage the affairs of the corporation for one year and until a new election shall take place, and the judges of all elections shall be appointed by the trustees for the time being.

Officers.

SECTION 6. That the trustees for the time being, or a majority of them, shall have power to elect a president from their own body, to appoint such officers and agents as they shall deem necessary to conduct or execute the business and affairs of the corporation, to fix their compensation, and in their discretion to dismiss them, to provide for the taking of bonds to the corporation from all and every of the officers and agents so appointed, with security, for the faithful performance of the duties of their office and the trust reposed in them, and secure the corporation from loss, to provide for paying all the necessary expenses of conducting the affairs of the corporation, and generally to pass all such by-laws as shall be necessary to the exercise of the said powers, and such other powers vested in said corporation by this act, and the said by-laws from time to time to alter and repeal: *Provided*, That such by-laws shall not be contrary to the laws of this State or of the United States: *And provided further*, That a majority of the stockholders at their annual meeting shall have power to alter, repeal or amend any of said by-laws.

Proviso.

Proviso.

Borough and banks of Germantown to subscribe stock.

Proviso.

SECTION 7. That the town council of the borough of Germantown, and the bank of Germantown, are hereby authorized and empowered to subscribe, if they deem it advisable, for any number of shares of stock in said company not exceeding fifty shares each, for the use of said corporation: *Provided*, That any beneficial society or building association is hereby authorized and empowered to take a share or shares of said stock, if they deem it advisable.

Dividends.

SECTION 8. That the president and trustees shall, whenever the income of said building exceeds the expenditure of the said company, declare a dividend on the stock paid in half-yearly, on the first Mondays of May and November in each year, and shall publish the said dividend, the place where and when the same will be paid, and shall cause the same to be paid accordingly.

SECTION 9. That at all elections for trustees, the stockholders shall be entitled to the number of votes for the shares they may possess according to the following rule, that is to say: for each share not exceeding two shares one vote, for every two shares above two and not exceeding ten shares one vote, for every four shares above ten and not exceeding thirty one vote, but no share or number of shares above thirty shall confer any additional right of voting.

SECTION 10. That so much of any act or acts of the General Assembly relating to a Germantown Town Hall company in the county of Philadelphia, as is hereby altered or supplied, be and the same is hereby repealed.

SECTION 11. That the executors named in the last will and testament of Abraham Kunzi, deceased, to whom he respectively devised to sell absolutely, or let on ground rent, all his two equal undivided third parts of and in all that lot or piece of ground situate on the south side of Chestnut street, and west side of Schuylkill Second street in the city of Philadelphia, or if partitioned, that portion allotted to the estate of said Abraham Kunzi, deceased, be and they are hereby authorized from time to time to sell and convey in fee simple, or let on ground rent, such part or parts of the said premises bounded northward by said Chestnut street, southward by George street, eastward by Schuylkill Second street, and northward by Aspen street, in one lot or parts and parcels, as may be deemed most advantageous to said estate, and in case of a sale absolutely, the said executors or the survivor of them, are authorized to make and execute and deliver to the purchaser or purchasers thereof good and sufficient deed or deeds for the same in fee simple, without any liability on the part of such purchaser or purchasers to see to the application of the purchase money, and in case the whole or any part thereof should be let on ground rent by said executors, then they are hereby authorized to make and execute good and sufficient deeds for the same, which said deeds shall contain the usual covenants to pay the ground rent in equal half-yearly payments, without deduction for taxes, to build good and substantial brick dwelling houses within one year therefrom, sufficient to secure the rent, with power of entry, distress and re-entry, and permission for the grantee, his heirs and assigns, to purchase off the said ground rent at par, at any time within ten years from the date of the deeds respectively, which ground rent so secured, shall be made payable to the said executors and the survivor of them, and the heirs and assigns of them and the survivor of them, for the use of said estate, and the receipt of said executors, or either of them, shall be a full discharge for ground rent or purchase money or moneys paid for the release or extinguishment of any ground rent which may be secured out of said lot or piece of ground, or any part thereof, without the liability of any purchaser or purchasers to see to the application thereof.

WHEREAS, Tacy Fletcher being seized in fee of several yearly ground rents issuing out of certain lots of ground situate in the city and county of Philadelphia, made her last will and testament, dated the sixteenth day of December, Anno Domini one thousand eight hundred and forty-eight, and after her decease, was duly proved before the register for the probate of wills, et cetera, for the county of Philadelphia, on the twelfth day of March, Anno Domini one thousand eight hundred and fifty-one, and letters testamentary granted by the said register in due form to the said Thomas L. Woolston and Robert F. Williams, the executors named therein; that by the said will, after bequeathing a number of legacies and directing her debts to be paid,

she ordered all the rest, residue and remainder of her estate, real, personal and mixed, to be divided into five equal parts or shares, and three of such equal parts she gives unto Thomas L. Woolston in trust, to hold the same for the only use and benefit of his three children, and the survivors and survivor of them, until they respectively attain the age of twenty-one years, and then in trust to pay the same to them, and the remaining two equal fifth parts she gives unto Robert F. Williams in trust, to hold the same for the only use and benefit of his two children, and the survivor of them, in equal parts and shares, until they respectively attain the age of twenty-one years, and then in trust to pay the same to them, as by reference to the said will, on file in the register's office aforesaid, at Philadelphia, will more fully appear; that the said children are of tender age, and the personal estate of the decedent is not sufficient to satisfy all her debts and legacies, and no provision is made in her will for the sale of the real estate; that the ground rents are of unequal values, and will not divide; that after payment of the debts and legacies, a very small residue will remain; that the orphans' court will not direct the whole to be sold for the payment of the debts and legacies, and that the process of partition for what will remain after the sale for debts and legacies, will be so small that the expenses thereof will be burthensome; Therefore,

Executors of
Tacy Fletcher
to sell certain
real estate.

SECTION 12. That Thomas L. Woolston and Robert F. Williams, executors of the last will and testament of Tacy Fletcher, late of the district of Spring Garden, in the county of Philadelphia, deceased, or the survivor of them, be and they are hereby authorized to sell by public sale, all or any of the yearly ground rents of which the said Tacy Fletcher at the time of her decease was seized or possessed in fee, or otherwise, by public or private sale, as they may judge best, and to convey the same by deeds or deed to the purchaser or purchasers for such estate as the said Tacy Fletcher had therein, so that the purchaser or purchasers thereof shall not be bound to see to the application of the money accruing therefrom, nor be in any way liable in respect to the execution or non-execution of the trusts and limitations contained in said will, and the proceeds accruing from such sale or sales to be held by the executors, to pay and satisfy the debts and legacies and all expenses of settling said estate, and the residue to be held for the uses of said will in regard to the residue of the estate, as if the same had remained in ground rents, or if the legatees, or any of them, shall be willing to accept of the said ground rents at their par value, on account of or in satisfaction of their legacies, it shall and may be lawful for the said executors to grant and assign the same, by proper deed or deeds of conveyance, to such legatees on account of and in satisfaction of such legacy or legacies, to be held on the same terms and conditions as if sold to a stranger: *Provided*, That before this section shall become operative, the said Thomas L. Woolston and Robert F. Williams, or such persons as shall for the time being be the executors, shall give security, to be approved of by the orphans' court of Philadelphia county, for the faithful application of the proceeds of the sale hereby authorized, and that the said court shall have approved of said sale.

Proviso.

Preamble.

WHEREAS, A judgment was obtained against Leonard Wheatley, before a justice of the peace, and a transcript of said judgment entered in the court of common pleas of Chester county, as is provided for by the tenth section of the act of twentieth March, Anno Domini one thousand eight hundred and ten, upon which transcript so entered, the prothonotary of the said court issued writs of fieri facias and venditioni exponas, without having first received the said justice's certificate

that an execution had been issued by him upon said judgment, and been returned that no goods could be found, as provided by said act, under which writs a certain stone message and lot of land situate on Tunnell Hill, in Phoenixville, Chester county, bounded by Peter Rankin, Patrick Moore, and others, being seventy feet front by one hundred and twenty feet deep, was levied upon and sold by the sheriff to William Nyce, and that the proceeds of said sale has been distributed by the court among the creditors of the said Leonard Wheatley; Therefore,

SECTION 13. That the sale so as aforesaid made of the above mentioned and described house and lot to the said William Nyce, shall be held and taken to be good and valid, and of the same force and effect as if the certificate of the justice, as aforesaid, had been received by the said prothonotary before issuing the said writs.

JOHN S. RHEY,

Speaker of the House of Representatives.

JOHN H. WALKER,

Speaker of the Senate.

APPROVED—The tenth day of April, A. D. one thousand eight hundred and fifty-two.

WM. BIGLER

No. 413.

AN ACT

To incorporate the Cedar Grove Cemetery company; and exempting the Firemen of the borough of Easton and South Easton from the performance of military duty.

WHEREAS, Several citizens of this Commonwealth hereinafter named, have associated for the purpose of establishing a cemetery in the neighborhood of Petersburg, in the county of Huntingdon, intending that about two acres of a certain tract of land in West township, in said county, bounded by lands of George Henderson, John Rung, and Peter Shoenberger, shall be used for the purpose of interment, and they have desired that they and their successors may be incorporated for establishing and perpetuating such cemetery; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John McCulloch, Thomas F. Stewart, William Reed, John Rung, Corporators. Abner Cresswell, Herman Reel, Samuel S. Thompson, and Joseph M. Stephens, be and they are hereby made a body politic and corporate in law, under the name, style and title of "The Cedar Grove Cemetery Style. company," and by that name shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be im-Privileges. pleaded, and so to do all such other things as are incident to a corporation.

Trustees.

SECTION 2. That the first five persons above named shall be trustees of said cemetery company, and whenever a vacancy shall occur in the board of trustees, the court of common pleas of Huntingdon county shall appoint other trustee or trustees, so that the ground selected for cemetery may be preserved for the purpose intended, and those who bury there may be assured of continued protection to the remains of relatives and friends who have been committed to the earth.

May hold land.

SECTION 3. That the said cemetery company shall be able and capable in law to purchase and hold for the purpose of a cemetery said tract of land, not to exceed in extent six acres; also to hold so much personal property as may be necessary for the purposes of this corporation, and no more, and to assume the management, direction and disposal of the same.

Powers of trustees.

SECTION 4. That the trustees aforesaid shall have power to lay out and ornament the grounds purchased by said cemetery company for the purposes of this corporation, to erect suitable buildings thereon, and keep the buildings and premises in decent repair, to arrange burial lots, and sell and dispose of the same for burial places, under such rules as may be proper and necessary, to make by-laws and regulations from time to time relative to the appointment of suitable officers and agents, and their duties and compensation, and relative to the duties of trustees, and from time to time to make such other rules and regulations for the government of lot-holders and visitors as they may deem necessary.

No road to be open through the lands.

SECTION 5. That no road or street shall be opened through the lands of said corporation occupied as a burial ground, except by and with the consent of said corporation.

Court of common pleas of Huntingdon county to grant relief.

SECTION 6. That the court of common pleas of Huntingdon county shall have full power at all times, upon the application of any trustee, to grant relief in equity, so far as regards the removal of any trustee or trustees who may be unable to fulfil his or their duties, or who neglects or refuses to carry out the object and intention of this charter, and from time to time to appoint a trustee or trustees to fill all such vacancies as may occur by death, resignation or removal.

Punishment for injuries.

SECTION 7. That any person who shall wilfully destroy, mutilate, deface, injure, or abuse any tomb, monument, grave-stone, or other structure, placed in the cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of said cemetery, or of any tomb, monument, grave-stone, or other structure, placed therein as aforesaid, or shall wilfully destroy, cut, break or remove any tree, shrub or plant, within the limits of said cemetery, or shall shoot or discharge any gun or other fire arms within said limits, shall be guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace of the county of Huntingdon, be punished by a fine, at the discretion of the justice, according to the aggravation of the offence, of not less than five nor more than fifty dollars, or shall, on conviction thereof in the court of quarter sessions of said county, be punished by fine as aforesaid, and by imprisonment, according to the aggravation of the offence, at the discretion of the court.

Lots transferable & exempted from taxation.

SECTION 8. That every lot conveyed in such cemetery shall be held by the proprietor for the purpose of sepulture alone, transferable with consent of trustees in trust and their successors in office, as aforesaid, and shall not be subject to attachment or execution, and that the said cemetery shall be hereafter forever exempted from taxation.

SECTION 9. That the firemen doing active service in the borough of Easton and South Easton, in the county of Northampton, be and they

are hereby made exempt from military duty, and shall not be subject to a fine for not complying with the militia laws of this Commonwealth: *Firemen in the borough of Easton exempt from military duty.*
Provided, That this act shall not be construed to exempt said firemen from duty in time of war.

JOHN S. RHEY,
Speaker of the House of Representatives.

JNO. H. WALKER,
Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 414.

AN ACT

Respecting part of a State road from Merwinsburg to Conyngham, in Luzerne county, and to incorporate the German Evangelical congregation of the village of Archibald, in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That so much of the act of the sixth day of April, one thousand eight hundred and fifty, entitled "An Act authorizing the location of a State road from Lycoming creek, by way of Sullivan county, to the North Branch of the Susquehanna, and relating to supervisors in Pike county; to incorporate the Northampton and Bucks Plank Road company; to lay out a State road from Merwinsburg to Conyngham," as authorizes the laying out and opening a State road in the townships of Butler and Sugarloaf, in Luzerne county, be and the same is hereby repealed, and all and every the acts of the commissioners respecting that part of said State road, and any orders and decrees of the courts touching the same, are hereby declared void and of no effect. *Repeal.*

SECTION 2 That Christian Sans, John Merklinger, George Probst, Henry Scheufler, Conrad Lorenz, Claus Frank, Anthony Mai, Francis Hofsommer, Henry Peter Zimmerman, Christian Beuzing, Frederick Cuyrim, William Bishoff, George Bartholomaeus, Jost Young, John Claus Wendt, John Hoffsommer, Anthony Gerbig, John Meyl, Conrad Scheufler, Francis Bishoff, Peter Probst, Augustus Reinhard, John Siegel, Jacob Ulmer, Oswald Siegel, George Ingerick, Henry Goehrs, members of the German Evangelical congregation of the village of Archibald, and its vicinity, in the county of Luzerne, and their successors, be and they are hereby created one corporation and body politic in law, by the name and style of "The German Evangelical congregation of the village of Archibald and its vicinity." *Corporators.*

SECTION 3. That the said corporation, by the same name and style, shall have perpetual succession, and be able to sue and be sued, plead

and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and equity to take, purchase, hold, and receive, for them and their successors in trust, for and to the use of the said congregation, lands, tenements, goods and chattels, of whatsoever kind, nature or quality, real, personal or mixed, which is now or shall or may at any time hereafter become the property of the said congregation, or be held for the use of the said congregation, by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage, improve, or dispose of, for the use of the said congregation, if necessary, to erect or enlarge any building or buildings for the purpose of worship, residence of the pastor, or other purpose consistent with the advancement of religion, as may be directed by a majority of such persons as are qualified to vote by the sixth section of this act, that may be present at a meeting to be held for that purpose, of which said meeting at least two weeks notice shall be given, from the pulpit or in any public manner; the trustees, or any majority of them, shall direct, and generally adopt all such measures, and do all and singular such matters and things as may be lawful to be done for the well-being and due management of the said church and congregation: *Provided*, That the yearly value or income of the said estates shall not any time exceed three thousand dollars.

Business to be
conducted by
five trustees.

SECTION 4. That the business of the said corporation shall be conducted by five trustees, of whom three shall be a quorum, who shall choose from among their number a president and secretary, and appoint a treasurer, who shall receive and account for all moneys coming into his hands belonging to the corporation, shall give ample security on his accepting the office, and shall have his accounts annually settled by the trustees, to be laid before and approved of by the congregation at their annual election of trustees, and may appoint such other officers as the said trustees, or a majority of them, may from time to time deem necessary, for the better government of the secular affairs of the said congregation.

Trustees.

SECTION 5. That the following named persons shall be trustees until others are or shall be elected as is hereafter provided, viz: John Merklinger, George Probst, Henry Goehrs, Henry Scheufler, and Francis Hofsommer, to continue in office until the last Saturday in December, Anno Domini eighteen hundred and fifty-two, on which day the male members of the said congregation qualified to vote by the sixth section of this act, shall elect five persons to serve as trustees, three of whom shall serve three years, two two years, and one one year, the term of service to be designated by the electors on their ballots, and their places respectively shall be supplied at the annual election to be held for that purpose, on that day in every year hereafter by the election of one person to serve for one year: *Provided*, That in case of vacancy by death, or otherwise, the remaining trustees shall appoint a person or persons to supply the same until the next election: *And provided further*, That no person shall be eligible as a trustee unless he is a citizen of this Commonwealth, and has participated in the Lord's Supper, according to the formula for the government and discipline of the Evangelical church, within one year, unless prevented by sickness or absence, or is an original member of this corporation, or a male child of such original member, of full age, the ancestor being deceased, and professing the tenets and doctrines of the Evangelical church, and shall have paid the contribution toward the discharge of the annual expenses of the congregation, according to his ability, within one year: *And provided further*, If the congregation neglect on the

Election of
trustees.

Proviso.

Proviso.

Proviso.

day of the annual election to hold their election, as is herein directed, the said corporation shall not be dissolved, but a majority of the trustees remaining in office may appoint any subsequent time, not exceeding one month, at which the election may be held to supply vacancies, of which time and place at least two weeks notice to the congregation shall be given, by announcement from the pulpit, or in any other public manner a majority of the remaining trustees may direct.

SECTION 6. That any male member of the said congregation who shall have participated in the Lord's Supper, according to the formula for the government and discipline of the Evangelical church, within two years, unless prevented by sickness or absence, or who shall be an original member of the corporation, or the male child of such original member, of full age, the ancestor being deceased, and professing the tenets and doctrines of the Evangelical church, and shall have paid contribution toward the discharge of the yearly expenses of the congregation, according to his ability, within one year, and no others, shall be entitled to vote at the elections of the said congregation, of all which elections at least two weeks notice shall be given, by announcement from the pulpit, or in any other public manner a majority of the trustees may direct.

Who may vote at elections.

SECTION 7. That the church council shall consist of the Pastor for the time being, three elders, and three deacons, who shall be elected at the annual election to be held by the corporation on the last Saturday in December in every year, two elders and one deacon to serve for two years, and two deacons and one elder to serve for one year; the term of service to be designated by the electors on their ballots, and their places respectively shall be supplied by the election of the requisite number of elders and deacons at the annual election happening at the time of the expiration of their respective terms of service, to serve for two years: *Provided*, That in case of vacancy by death, or otherwise, the remaining members of the church council, or a majority of them, shall appoint a person or persons to supply the same until the next election.

Church council who to consist of.

SECTION 8. That the Pastor of the congregation shall be invited by the church council or a majority of them, and being approved of by them, or a majority of them, shall be elected by ballot, by a majority of such persons as are qualified to vote by the sixth section of this act, that may be present at a meeting to be held for that purpose, after two weeks notice, given as directed in the fourth section of this act.

Pastor to be elected by ballot.

SECTION 9. That the Pastor of the congregation may be discharged from his office by a majority of such persons as are qualified to vote by the sixth section of this act, who may be present at a meeting to be held for that purpose, and to be called by the church council upon the written request, stating the object and design to be for that purpose, of twenty persons qualified to vote as aforesaid, at which meeting the vote shall be taken by ballot, by the president and secretary of the board of trustees, and two weeks notice of the time and place of said meeting shall be given, as directed in the sixth section of this act.

Discharge of pastor.

SECTION 10. That the trustees of said church shall have full power to make regulations for the annual distribution of the pews among the members of the congregation, under such provisions and restrictions as they may deem proper.

Trustees to make regulations in regard to pews.

SECTION 11. That the said corporation and its successors, shall have power at all times to adopt, alter, amend, and enforce such rules for the discipline of its members, as shall be sanctioned by two-thirds of the members thereof, at an election to be held by ballot, of which election two weeks notice shall be given, according to the provisions of the

Rules for the discipline of members.

sixth section of this act, but such rules for the discipline of its members shall not in any manner interfere with, alter, or affect the rights of any one qualified to vote by the sixth section of this act, nor of any one qualified to be elected a trustee by the fifth section of this act, nor contain any thing repugnant to the provisions of this charter, the constitution and the laws of the United States or this Commonwealth: *Provided*, That nothing in this act contained shall be so construed as to prevent the said corporation or its successors from expelling any member thereof, according to its rules for the discipline of the members thereof, and by such expulsion depriving him or her of all rights and privileges thereby granted.

Pr-viso.

By-laws.

SECTION 12. That the said trustee and their successors, or a majority of them, shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for their own government, and for the regulation and transaction of the secular business of the said corporation, and to make, use, and have a common seal, and the same to break, alter, and renew at their pleasure, and shall have power also to change the time of holding the general elections of the same, should it be deemed advisable: *Provided*, That the same by-laws and ordinances, and all the acts of the said trustees, framed, enacted and promulgated, shall not be contrary to this charter, nor to the formula for the government and discipline of the Evangelical church, nor to the constitution and laws of the United States or of this Commonwealth.

Proviso.

JOHN S. RHEY,

Speaker of the House of Representatives.

JOHN H. WALKER,

Speaker of the Senate.

APPROVED—The third day of May, A. D. one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 415.

AN ACT

To incorporate the village of Hyde Park into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the village of Hyde Park, in the county of Luzerne, shall be and the same is hereby erected into a borough, which shall be styled the "Borough of Hyde Park," and shall be bounded and limited as follows, viz.:—Beginning at the line between the lands of William Swetland and those until recently owned and possessed by Charles H. Silkman, on the west bank of the Lackawanna river; thence along the north line of said Swetland's lands north fifty-four and a half degrees west to a stream known as Keyser's creek; thence southerly along the east bank

Hyde Parke
erected into a
borough.

Boundaries.

of the said creek to the north line of lands formerly owned by Joseph Griffin, and now understood to belong to the Lackawanna and Western Railroad company; thence along on the north line of said lands formerly owned by said Joseph Griffin south fifty-four and a half degrees west to the Lackawanna river; and thence northerly along the west bank of the said river to the place of beginning.

SECTION 2. That the inhabitants of said borough qualified to vote Officers & their election. for members of the General Assembly, shall, on the third Tuesday in April next, and on the second Tuesday in March in every year thereafter, meet at the public house kept by John Merifield in said borough, and then and there, between the hours of one and eight o'clock in the afternoon, elect by ballot, one citizen who shall be styled the burgess of said borough, and five other citizens to be members of the town council, and at the first election shall elect three school directors, one to serve for one year, one for two years, and one for three years, and thereafter one school director annually; the said inhabitants shall also at the same time and place elect one person to be constable of said borough, whose name shall be returned to the next court of quarter sessions, in like manner as persons elected township constables; also two justices of the peace, judge and inspectors of elections, and one assessor, agreeably to the laws of this Commonwealth; the said elections shall be conducted in the same manner as is provided for the election of township officers of this Commonwealth, except that one copy of the certificates of election of burgess, town council and school directors, shall be filed among the records of the corporation: *Provided,* Proviso. That the first election held under this act shall be conducted by a judge and inspectors to be chosen by the qualified voters present at the opening of the election, who shall be sworn or affirmed in the same manner as is provided by law for the swearing or affirming officers of elections, and they shall perform the same duties as is required of judges and inspectors holding township elections.

SECTION 3. That from and after the third Tuesday in April next, Corporation. the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name, style and title of "The Style. Burgess and Town Council of the Borough of Hyde Park," and shall have, possess, and enjoy, all the rights, liberties, franchises and privileges of a borough incorporated in pursuance of the act passed first of April, one thousand eight hundred and thirty-four, entitled "An Act Subject to provisions and restrictions of certain act. to provide for the incorporation of boroughs," and the several provisions of the said act, so far as the same are not inconsistent with this act, shall extend to and be in force within said borough, as fully as though said borough had been incorporated agreeably to the provisions thereof.

SECTION 4. Same as fourth section of act of one thousand eight Provisions of certain act made applicable. hundred and fifty-one, incorporating the village of Conshohocken into a borough—pamphlet laws of one thousand eight hundred and fifty-one, page one thousand and fifty-one, number four hundred and seventy-four on files.

SECTION 5. Same as fifth section of said act, except that any three of the town council shall form a quorum, the proceedings of a majority of whom, with the burgess, shall be valid.

SECTION 6. Same as section sixth in said act, except the tax to be levied and collected "not to exceed ten mills on the dollar," in lieu of "five."

SECTION 7. Same as seventh section of said act.

SECTION 8. Same as eighth section of said act, except "county of Luzerne," in lieu of "county of Montgomery."

SECTION 9. Same as ninth section of said act.

SECTION 10. That the said borough shall constitute a separate election district, and the electors thereof shall hold their borough and general elections at the public house of John Merifield, aforesaid.

SECTION 11. The same as eleventh section of aforesaid act.

SECTION 12. Same as twelfth section of said act, except proviso, which expunge.

SECTION 13. Same as the thirteenth section of said act.

SECTION 14. Same precisely as fourteenth section of said act.

SECTION 15. Same as fifteenth section of said act.

By-laws, &c.

Further powers.

SECTION 16. That the burgess and town council shall have the power to make all needful rules, regulations and by-laws, for the better government of the corporation, providing the same are not inconsistent with the constitution of the United States or of this Commonwealth, and they are by this act empowered, if they shall deem it expedient, to regulate the making of side-walks, fixing their width, and directing the manner of construction, and the materials with which they shall be constructed, and they may order any side-walk or passage to be so made as they shall direct, by the owners of the land fronting thereon, and they may order the kind and quality of fences on each side of any street, to be built by the owners of the land fronting such street, and in case any such owner or owners of land in said borough shall refuse or neglect to comply from time to time with any such order as it may be made, and at such times as may be required, by any ordinance of said borough, it shall be lawful for the burgess and town council to procure materials and do the same, or cause it to be done, at the cost and expense of said owner or owners, and upon the completion of the said work, or within six months thereafter, may file a claim in the prothonotary's office of Luzerne county for the amount of materials furnished and used, and for the work and expenses done and incurred about the same, together with such additional charges, not exceeding ten per cent. thereon, which claim shall be certified by the burgess or president pro tempore of the town council, under the seal of the corporation, attested by the clerk, and such claim filed as aforesaid, shall be a lien upon the real estate of such owner or owners lying within the borough, and shall take precedence of all other subsequent liens entered against such real property after such materials furnished and labor done, or expense incurred as aforesaid, and the amount of such claim may be recovered by the burgess and town council, by personal action against such owner or owners, aforesaid, or by scire facias, as is provided for the recovery of mechanics' liens, under the act approved the sixteenth of June, one thousand eight hundred and thirty-six, and the several supplements thereto, and in all cases the certificate of the burgess or president pro tempore of the council, under the corporate seal, attested by the clerk, shall be conclusive of the amount of the claim for materials furnished and used, and for work done, and costs and charges incurred in the construction of fences and side-walks or passages aforesaid.

SECTION 17. That William Merifield, William Blackman, J. M. Alexander, John Merifield, James H. Finney, O. P. Clark, and James Wilmer, same as the other part of the seventeenth section of the act aforesaid, except county Montgomery made Luzerne.

SECTION 18. Same as eighteenth section of said act.

SECTION 19. Same as nineteenth section, except "Luzerne" substituted for "Montgomery."

SECTION 20. That the burgess and town council shall have the care of the poor, and the power to levy taxes for the support of the poor in

said borough, and cause the same to be collected, and all other taxes necessary for the support and well being of the corporation, in like manner as townships now have the right, and the burgess and town council are hereby authorized to levy a tax or taxes on dogs within said borough, and cause the same to be collected, as borough taxes are collected, if they deem proper. To have the care of the poor, to levy taxes &c.

SECTION 21. That the school directors first elected under the provisions of this act shall, immediately after their election, cause to be made an enumeration of the taxable inhabitants of said borough, and the president of the board of directors shall certify the same to the superintendent of common schools, who is hereby directed to adopt the number of taxables thus certified to him as the basis of the distribution to said borough of its share of the State appropriation, and the amount to which the said borough is entitled shall be deducted from the amount to which Providence school district in said county would otherwise be entitled, until after the next triennial enumeration of taxables for school purposes, and the said borough shall be entitled to its share of the proprietors' fund in said Providence township. Enumeration of taxables.

SECTION 22. That the high constable of the said borough shall have the power and authority vested by the laws of this Commonwealth in the constables of the different townships in the said county, and shall give bonds for the just and faithful discharge of the duties of his office, in the manner required of the constables of the different townships in the said county. Powers of high constable.

JOHN S. RHEY,
Speaker of the House of Representatives.

JOHN H. WALKER,
Speaker of the Senate.

APPROVED—The fourth day of May, one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 416.

AN ACT

To authorize the Governor to incorporate the Pittston Water company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Arlen Damore, Abraham Price, Isaac Everet, Cornelius Stark, Thomas Ford, Abraham Enigh, George Lazarus, Theodore Strong, James McFarlaues, William Ford, Abraham Bird, R. J. Wisner, Stephen B. Jenkins, John Howaith, James Searle, and Wm. H. Alexander, be and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say:—they or any five of them, shall procure a book or books, and therein enter as follows: Commissioners.

“We whose names are hereunto subscribed, do promise to pay to the Form of subscription.

president and managers of the Pittston Water company, the sum of twenty-five dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the said president and managers, in pursuance of an act of the General Assembly entitled "An Act to authorize the Governor to incorporate the Pittston Water company; witness our hands, the day of , in the year of our Lord one thousand eight hundred and ;" and shall thereupon give notice, in a public newspaper printed in Pittston, and such other papers as a majority of the said commissioners may think proper, of the time and place or places when and where the said book or books shall be opened to receive subscriptions for the stock of said company, at which time and place or places, one or more of the said commissioners shall attend, and permit and suffer all persons or bodies corporate who shall offer to subscribe in the said book or books, which shall be kept open for the purpose at least six hours in every juridical day for three days, if three days shall be necessary, and on the first of said days any person of the age of twenty-one years shall be at liberty to subscribe, in his own name or in the name of any other person or body corporate by whom he shall be duly authorized, for any number of shares not exceeding twenty, and on any succeeding day while the said book or books shall remain open, for any number of shares of the said stock, and if at the expiration of the said three days the said book or books shall not have eight hundred shares therein subscribed, the said commissioners may adjourn from time to time, and from place to place, until the said number of shares shall be subscribed, and when the said number of shares shall be subscribed the said book or books shall be closed: *Provided always*, That every person offering to subscribe in said book or books, in his own name or in the name of any other person or body corporate, shall at the time of subscribing be required to pay to the attending commissioner or commissioners one dollar on each share, to defray the expenses attending the taking of such subscriptions and other incidental charges, which expenses and charges the said commissioners shall pay out of the moneys so received by them, and the balance, if any, shall be paid over to the treasurer of the said company as soon as the same shall be organized, as hereinafter mentioned.

Who may subscribe.

Provide.

Letters patent.

SECTION 2. That when ten or more persons shall have subscribed not less than four hundred shares of the said stock, the commissioners aforesaid, or any five of them, may, or when the whole number of the shares aforesaid shall be subscribed shall certify, under their hands and seals, the names of the subscribers, and the whole number of shares subscribed by each, and the amount paid on each share, to the Governor of this Commonwealth, and if it shall appear from such certificate that the subscriptions have been bona fide made, and the amount required by the said commissioners at the time of subscription actually paid, then the Governor shall, by letters patent under his hand and the great seal of the State, create and erect the said subscribers, and if the whole number of shares aforesaid be not then subscribed, then also all others who shall afterwards subscribe to the number of shares aforesaid, into one body politic and corporate, in deed and in law, with perpetual succession, and with all the privileges and franchises incident to a corporation, by the name, style and title of "The Pittston Water company," and by such name the subscribers, and such others as may thereafter become subscribers and shareholders, shall be capable of holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in

Style.

such manner and form as they shall think proper, not exceeding forty thousand dollars, and of purchasing, taking and holding, to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements and hereditaments, goods, chattles or effects, as shall be necessary for them in the prosecution of their work and in the full enjoyment thereof, and the same to sell and dispose of at their pleasure, if necessary, and of doing every act, matter and thing which a corporation or body politic may lawfully do. Privileges.

SECTION 3. That the seven persons first named in the letters patent shall, as soon as conveniently may be, give notice in a public newspaper printed in the village of Pittston, of a time and place to be by them appointed, not less than thirty days after publishing such notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy, one president and six managers to conduct the business of said company, who shall continue in office until the next succeeding annual election, as hereinafter provided, and until such other officers shall be elected, and shall make such by-laws and regulations not inconsistent with the constitution and laws of the United States and of this State, as may be necessary for the well ordering and conducting of the affairs of the said company: *Provided*, That no person or body corporate shall have more than twenty votes on his own account at any election, or in determining any question arising at such meeting, whatever number of shares such individual or body corporate may be entitled to, and that each person and body corporate holding one or more shares, not exceeding the number of twenty, shall be entitled to one vote for each and every share so held. Notice to be given of organization.

SECTION 4. That the said president and managers shall have full power and authority, immediately after obtaining their charter of incorporation, to construct, provide for, or erect all the works, materials or machinery necessary and proper for conducting or conveying pure water into the village of Pittston, and distributing the same for the use of the inhabitants of the said village, and also for the use of those who live contiguous thereto, as also to provide against the ravages of fire by erecting hydrants or other constructions, in suitable places within the limits of said village, for that purpose, and also for erecting within or contiguous to said village a reservoir of suitable dimensions, for the supply of the inhabitants of said village and of those who live contiguous thereto with pure water, and the said company shall have the privilege to convey water from any point which they may deem expedient, where pure water may be obtained in sufficient quantity, for the ordinary uses of the inhabitants, as aforesaid, and to convey and conduct the same in conduit pipes, or otherwise, as they may deem expedient, through any public or private grounds, roads, streets or alleys, to the said reservoir, and from said reservoir through any road, street or alley, or through any public or private ground within or without said village, necessary for the distribution of said water for public or private use, and to alter, renew and repair any of such constructions when necessary: *Provided*, That all damages to private property shall be ascertained and paid for before any work is done or commenced on such private property or grounds, as is hereinafter provided for, and the said company shall do no damage or injury to the Pennsylvania canal, or to the works of the Pennsylvania Coal company; that the said president and managers shall, in such streets and parts of said village when pipes have been laid down for conduct- Proviso.

ing the said water, for a reasonable consideration, which shall be agreed upon by the said president and managers or their agent, and a duly authorized committee of the property holders of said village, erect hydrants, to be used solely for extinguishing fires and cleansing the streets of the said village, under the direction of said duly authorized committee of property holders, and they shall suffer individuals at all times to be supplied with water from the said pipes for domestic or manufacturing purposes, or for any machinery connected with the mining or carrying away coal or other minerals in said village, or lands contiguous thereto, for such a reasonable consideration and compensation as shall from time to time be agreed upon by the said president and managers and such individuals, according to certain uniform rates, as near as practicable, which the said president and managers shall adopt, and any person within the said village, or in the vicinity of the said village, who shall appropriate or draw off any of the said water for domestic, manufacturing or other purposes, except for the legitimate purposes contemplated by this act, without having previously contracted for the same with the president and managers, or their duly authorized agent, shall forfeit and pay for every such offence the sum of twenty dollars to the said president and managers, to be recovered before a justice of the peace, in such manner as debts of equal amount are now recoverable.

May enter upon
lands.

SECTION 5. That it shall and may be lawful for the said president and managers, by and with their officers, agents, artists and workmen, with their tools and implements, carts, wagons, carriages, and beasts of draught and burden, to enter upon the lands over, contiguous and near to which the route, track and line where the water shall or may be conducted in manner aforesaid, in conduit pipes or otherwise, or for constructing a reservoir, or for any other purpose necessary for the accomplishment of the object of this act: *Provided*, That the said president and managers shall give, or cause to be given, notice to the owner or occupier of lands thus entered upon, and doing as little damage as possible.

Proviso.

To enter upon
lands for the
purpose of loca-
tion.

SECTION 6. That it shall and may be lawful for the said president and managers, by and with their officers, artists and workmen, with their tools and implements, to enter in and upon the lands and tenements of any person or persons, for the purpose of locating the route by which the water is to be conducted, and defining and marking the courses and distances thereof, and of locating any bridges, aqueducts or culverts necessary in the prosecution of said works, and also for the purpose of locating the site for a reservoir, as aforesaid, and for establishing any other works or fixtures connected therewith, first giving notice to the owner or occupiers of said lands through which the said water is to be conducted or reservoir constructed, doing as little damage thereto as possible.

To contract for
lands.

SECTION 7. That it shall and may be lawful for the said president and managers, or their duly authorized agent, to contract and agree with the owner or owners of any lands and tenements, hereditaments and privileges which may be affected thereby, over, through, or upon which it may be necessary to conduct the water, as aforesaid, or to construct or erect said reservoir, bridges, aqueducts, culverts, dams, or other works or fixtures, which by the said president and managers may be deemed necessary and connected therewith, for the purchase of so much of said lands as they may deem necessary for the accomplishment of the objects of this act, or the privilege of entering upon and passing over the said lands in the prosecution, repair and protection of their works, if they or their duly authorized agent can agree with such owner or

owners, but in case of disagreement, or in case the owner thereof be feme covert, under age, non compos mentis, or out of the State, or otherwise incapacitated to sell or convey, then it shall and may be lawful for the president and managers of the said company, or for the owner or owners of or persons interested in such lands or tenements, hereditaments and privileges, to apply to the court of common pleas of Luzerne county by petition, whose duty it shall be forthwith to appoint three reputable and disinterested persons, not connected with the parties, to view and assess the damages sustained by the owner or owners **Damages.** or occupiers of any such lands and tenements, hereditaments and privileges, or which may probably be sustained in the prosecution of said work, or by reason of the appropriation or occupation of such lands and tenements, hereditaments and privileges, for the purposes aforesaid, and it shall be the duty of the persons appointed by the said court, after being duly sworn or affirmed to do impartial justice between the parties, according to the best of their judgment and abilities, to go upon the premises and view the same with regard to the damage and injury complained of, and taking into consideration any advantage the said owner or owners may derive from the location and construction of the said works through their said lands and tenements, hereditaments and privileges, make report to the said court as soon as convenient, of the amount of the damages so found and assessed by them, to each individual through or upon whose lands said works may be constructed, if any, and if the said report shall be approved by the said court, the court shall direct the amount or several amounts thus found and approved to be entered on the records of the said court, with costs, as in cases of roads, to be paid by the company: *Provided*, That either party shall have a right to appeal from any report made in pursuance of this section, by giving security for all costs, in that case it shall be the duty of the court of common pleas to direct an issue to try the same, and in case the party appealing shall not recover a verdict more favorable than the report of the said viewers, then and in that case the said party shall pay all the costs that shall accrue by reason of such trial by jury: *And provided also*, That such appeal shall be made **Proviso.** within twenty days from the approval by said court, and shall not delay the operations of the said company in the prosecution of their work, but the same may proceed upon entering two or more sureties, to be approved by the said court, for the payment of the sum finally adjudged to be due, with costs, or upon depositing in court an amount which the said court shall judge sufficient to cover the same.

SECTION 9. That when the said president and managers shall pay to the said owner or owners of any lands and tenements, or to his, her or their representatives, the full amount of damages found and assessed according to the provisions of the sixth section of this act, for the lands and tenements occupied by the said company in the construction of their works, or for the right of way over or through any lands for the construction or protection and repair of the same, with the costs allowed by the said court, or shall pay into the said court for the use of the said owner, owners and occupants, his, her or their representatives, the said company shall be entitled to have and to hold the said lands and tenements so paid for and described in the report of the said viewers, and set out in and by the draft accompanying and filed of record, with the report of the viewers aforesaid, to them and their successors and assigns, for the purposes aforesaid.

SECTION 9. That the stockholders of the said company shall meet **Meeting of stockholders** on the first Monday in May in each year after they shall have received their letters patent as hereinbefore provided, at such place as shall be

Officers.

fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing one president and six managers, as aforesaid, for the ensuing year, and until other officers are elected, and at such other times as they shall be assembled by the said president and managers, of all which meetings of the said stockholders it shall be the duty of the said president, or in case of his absence or other disability, of at least two of the managers, to give at least two weeks notice in the newspapers published in the said village, of the time and place of such meeting, at which annual or special meeting the said stockholders shall have full power and authority to make, alter or repeal, by a majority of votes, all such by-laws, rules and regulations as aforesaid, and to do and perform every other corporate act: *Provided*, That if such election of president and managers shall not be made on the day above specified, the corporation shall not for that cause be dissolved, but it shall be lawful on any other day within sixty days thereafter, due notice having been first given as above provided, by the president, or at least two of the said managers, of the time and place of meeting, to hold and make an election, in such manner as the by-laws of the said corporation shall prescribe, and in case of the death, resignation, removal from the state, or other inability to act, of the president or any of the managers, the remaining members of the board of managers shall choose another to supply his place until the next election, and the said president and managers, or a majority of them, shall at their first meeting after their election choose a suitable person as treasurer, and a secretary, for the ensuing year, both of whom shall be selected from the list of bona fide stockholders.

Proviso.**Meeting of president & managers.**

SECTION 10. That the said president and managers aforesaid, shall meet at such times and places and be convened in such manner as shall be agreed on, for transacting their business, and at such meetings four members shall form a quorum, and shall, by themselves or secretary, keep minutes of all their transactions, recording the votes of all the members of the board present, particularly designating each member by name who shall vote in the affirmative, and each who shall vote in the negative, upon every proposition, rule or order, which shall be decided, established, or acted upon by the said board of managers, fairly entered in a book to be kept for that purpose, and a quorum being met, they shall have full power and authority to agree with and appoint all such agents or persons as they may judge necessary to conduct and carry on the said works contemplated by this act, and to fix their salaries and wages, and to fix the times, manner and proportions, when and where the stockholders shall pay the moneys due on their respective shares in order to carry on the works, to draw on the treasurer for all moneys necessarily expended in the prosecution thereof by orders, which shall be signed by the president, in pursuance of a resolution of said board, or in his absence by a majority of a quorum, and generally to do and perform all such other acts, matters and things as by this act, and the by-laws, orders and regulations of the company, shall be committed to them.

Certificates of stock.

SECTION 11. That the said president and managers shall procure certificates, to be printed or written, for the shares of the capital stock of the said company, and deliver one thereof, signed by the president and countersigned by the treasurer, and sealed by the common seal of the corporation, to each person for every share by him or her subscribed and held, which certificate shall be transferable by the owner, at his or her pleasure, in person or by attorney, in presence of the president or treasurer, subject, however, to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the

assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and shall be entitled to all the privileges and emoluments incident and belonging thereto: *Provided*, That to entitle the transferee to vote at any election or meeting of the stockholders, the transfer shall be bona fide made at least three months previous to such election or meeting. Proviso.

SECTION 12. That if any stockholder after thirty days public notice in the newspapers printed in said Pittston village, of the time and place appointed in pursuance of the ninth section of this act for the payment of any portion of the capital stock, in order to carry on the work, shall neglect to pay such proportion at the place appointed, for the space of thirty days after the time so appointed for the payment thereof, every such stockholder or his or her assignee shall, in addition to the proportion so called for, pay at the rate of one per centum per month for such delay of payment, and if the same and additional penalty shall remain unpaid for such a space of time as that the accumulated penalties shall be equal to the sums previously paid on account of the said share, then the said share, and all the money thereon paid, shall be forfeited to the company, and may be sold by them to any person or persons willing to purchase, for such price as may be obtained therefor: *Provided, however*, That nothing herein contained shall be so construed as to prevent the said company from recovering the amount of capital stock so called for and remaining unpaid, together with the penalty, from any delinquent stockholder. Penalty for neglect to pay installments.

SECTION 13. That the said president and managers of the said company may require of and from the treasurer, and of and from all and every person and persons employed by them, bonds in sufficient penalties and with sufficient securities, for the due and faithful discharge of the several duties and trusts to them or any of them respectively committed. Treasurer &c., to give bonds.

SECTION 14. That the said president and managers of the said company shall keep fair and just accounts of moneys received by them from the subscribers to the said undertaking for their subscriptions thereto, and all penalties for delay or non payment thereof, and of all moneys by them expended, and on what account the same was expended, and shall in every year, not more than sixty nor less than thirty days previous to the time for holding an election for officers of the said company, prepare a particular statement thereof in writing, which, together with the vouchers and other evidences thereto belonging, shall be placed in the office of the treasurer of the company, for the free inspection of any stockholder or member of the said company who may think proper to examine the same, until the work shall be completed, and all the costs and charges affecting the same shall be fully paid and discharged, and it shall be the further duty of the said president and managers, after the completion of the said work, and all the costs and expenses thereof paid and settled, to keep just and fair accounts of all moneys received by them by their treasurer or other officers or agents, arising from the sale of water-rights, water-rents, or otherwise, and of the amount by them expended, and shall make and declare a dividend of the profits and income thereof among all the stockholders respectively, and shall on the first Monday of January and July in every year publish the half-yearly dividends to be made of the income and profits to and among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided*, That no dividend shall be made to impair the capital stock of said company: *And provided also*, That no person shall be entitled to any share of the dividends declared who has To keep fair & just accounts.

Proviso.
Proviso.

Proviso.

not paid such amount on the stock held by him as has been required by the president and managers: *Provided*, That nothing contained in this act shall be construed to authorize the said corporation to issue notes in the nature of bank notes, or to endorse notes in their corporate capacity, or to make discounts, or to receive deposits, after the manner of any bank or banks; and in case at any time the company shall violate the provisions of this section, all and every of their chartered privileges shall cease and determine.

Completion of works.

SECTION 15. That if the company to be incorporated by the provisions of this act, shall not within ten years from and after the date of their charter erect and complete the works herein contemplated and authorized, then all the privileges hereby granted shall cease and determine.

To afford a supply of pure water at all times.

SECTION 16. That the said company shall at all times, to the utmost capacity of their works, afford a supply of pure water to all the citizens of the village of Pittston, and to citizens contiguous thereto, the citizens of the said village having the preference, for culinary and other domestic purposes, who shall apply for the same and agree to pay therefor, and for the extinguishment of fires, at the usual rates, and in case of any scarcity of water in consequence of extreme droughts, or otherwise, the said citizens shall be supplied for culinary or domestic purposes in preference to those who may apply the water to any other purposes, except the extinguishment of fires and mining operations.

Injuries to works.

SECTION 17. That if any person or persons shall wilfully mutilate, injure, or spoil any of the works of said company, or shall wilfully corrupt the water in any reservoir, dam, or conduit pipe, established by said company, on conviction thereof before the court of quarter sessions of said county, shall pay a fine, at the discretion of said court, not exceeding fifty dollars, and suffer an imprisonment in the jail of said county, in any term not exceeding two months, as the court aforesaid may determine.

Reservation.

SECTION 18. That the Legislature reserves the right to revoke or annul the charter hereby granted.

JOHN S. RHEY,

Speaker of the House of Representatives.

JOHN H. WALKER,

Speaker of the Senate.

APPROVED—The fourth day of May, one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 417.

AN ACT

To incorporate the Middle Coal Field Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Rosser, Peter Boughner, Daniel M. Boyd, Wm. H. Marshall, **Corporators.** Kimber Cleaver, Renben Fegley, Wm. Fegley, Wm. Atwater, and those persons who shall hereafter subscribe for the stock of the company hereby created, be and are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and **Style.** title of "The Middle Coal Field Railroad company," and by the said name shall have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, plead and be impleaded, and subject to all the restrictions and **Subject to provisions and restrictions of certain act.** provisions of an act entitled "An Act to incorporate the Treverton, Mahanoy and Susquehanna Railroad company," passed the twenty-second day of March, Anno Domini one thousand eight hundred and fifty.

SECTION 2. That the president and managers of the said company **Powers.** shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem necessary, beginning at and connecting with the Sunbury and Philadelphia Railroad, in or near the town of Shamokin, and running to and to connect with the Treverton, Mahanoy and Susquehanna Railroad, in or near the town of Treverton.

SECTION 3. That said company are hereby authorized to borrow any **Authorized to borrow money.** sums of money not exceeding in all three hundred thousand dollars, as may be deemed expedient, at any rate of interest not exceeding seven per cent. per annum, and the principal of which may be made convertible into the stock of the company, at the option of the holders, on such terms as may be agreed upon, and the principal and interest of such loans may be made payable at such times and place as may be deemed advisable, and bonds may be issued therefor in sums not less than one hundred dollars, and for the security thereof the said company may mortgage its road and other property, with its corporate rights and privileges, together with such other property as may be conveyed to it in trust for that purpose.

JOHN S. RHEY,
Speaker of the House of Representatives.

C. MYERS,
Speaker of the Senate.

APPROVED—The fourth day of May, A. D. one thousand eight hundred and fifty-two.

WM. BIGLER

No. 418.

AN ACT

To enable Robert Robb, administrator of James M. Davis, late of the county of Philadelphia, deceased, to sell real estate; relative to the Temperanceville and Noblestown Plank Road company.

Administrator
of Robert Robb
authorized to
sell real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Robb, administrator of the estate of James M. Davis, deceased, is hereby authorized to sell by public sale and convey by deed, all that certain two story brick messuage or tenement and lot or piece of ground situate on the north side of Callowhill street, at the distance of two hundred and eighteen feet six inches and three-fourths of an inch eastward from Thirteenth street, in Penn township, and county of Philadelphia, containing in front or breadth on said Callowhill street thirty-six feet, and extending in length or depth that breadth one hundred and twelve feet seven inches, bounded on the south by said Callowhill street, on the west by ground of Samuel Richards, and on the north and east by land of John Wistar; also to sell and convey, as aforesaid, all other real estate of the said James M. Davis, deceased, situate in the county of Crawford, Pennsylvania, and the said purchaser or purchasers shall hold the same, discharged from all liens, debts and incumbrances whatsoever, without regard to the appropriation or distribution of the money arising from such sale or sales: *Provided*, The Orphans' Court of the county in which said real estate is respectively situated shall approve of said sale: *And provided further*, That the said administrator, before executing a deed for said real estate, shall give bond to the Commonwealth, for the use of all persons interested, with such surety or sureties as the said court or one of the judges thereof shall approve, conditioned for the faithful application of the proceeds of said sale or sales, according to law.

Proviso.

Proviso.

Temperance-
ville & Nobles-
town turnpike
or plank road
co. authorized
to construct a
branch road.

SECTION 2. That the Temperanceville and Noblestown Turnpike or Plank Road company be and they are hereby authorized and empowered (in addition to the powers heretofore granted to them) to extend a branch from their road in Temperanceville to the Washington and Pittsburg Turnpike road, in the village known as Tinkersville.

SECTION 3. That in making and taking toll on said branch, and in all respects, the said company shall have all the powers and privileges, and be subject to all the liabilities and duties, as fully in every respect as if said branch were part of said road as originally chartered, and be in all respects subject to the provisions of the general act of Assembly respecting plank roads.

JOHN S. RHEY,
Speaker of the House of Representatives.

JNO. H. WALKER,
Speaker of the Senate.

APPROVED—The fourth day of May, one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 419.

AN ACT

Reinstating Andrew Shawberger and Jeremiah C. Newman to the right of citizenship; relative to an Independent School District in Berks county; to Supervisors in Tremont and Fraily townships, Schuylkill county; and to the Philadelphia and Sunbury Railroad company.

WHEREAS, On the fifteenth day of October, one thousand eight hundred and forty-seven, a certain Andrew Shawberger, of Economy township, Beaver county, was convicted of the crime of larceny, and by the court sentenced to undergo an imprisonment of eighteen months: Preamble.

And whereas, The sentence was carried into effect, and the said Shawberger served in the Western Penitentiary the time for which he was sentenced, and it appearing from proper testimony, that the said Shawberger is a reformed man, and is desirous of being reinstated as a citizen of this Commonwealth: Preamble.

And whereas, Jeremiah C. Newman, of the county of Warren, was convicted of the crime of assault and battery with intent to kill, in the State of New York, and has suffered the penalty of the law and returned to his former residence in said Warren, and it also appearing that said Newman is an industrious, peaceable man, faithfully performing all the duties incumbent on him as a citizen; Therefore, Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Andrew Shawberger and Jeremiah C. Newman, are hereby A. Shawberger reinvested with all the rights, privileges and immunities of citizens of & J. C. Newman this Commonwealth, as fully, effectually and absolutely, as if such conviction had not taken place. restored to citizenship.

SECTION 2. That all part of Washington township, Berks county, lying within the following bounds, to wit: Beginning at the southern corner of the Catholic church land at the Montgomery county line; Shultzville school district, Berks co., how bounded. thence along the line between said county and Washington township, Berks, to the southern corner of Joel Schultz's farm, including the same; thence to the farm of Daniel Kauffman; thence to the farm of C. R. Shultz; thence to the farm of Isaac Barto, the farm of the said Isaac Barto not to be included in this act, but to remain as heretofore in the district of Washington; thence to the farm of John H. Frick; thence to the farm of Reuben D. Thomas, including all the said farm; thence to the farm of Aaron Butz; thence along the north eastern boundaries of the farms of Aaron Butz, Henry L. Esbach, Ephraim Hunsberger, and Henry Landis, including all said farms, except only the farm of Isaac Barto before mentioned, and also that part of Amos Schultz's situate in the township of Washington, to the place of beginning, be and the same is hereby erected into a separate and independent school district, to be called Schultzville district, to enjoy all the rights and privileges, and be subject to all the restrictions contained in the school laws of this Commonwealth.

Directors of said school district, how to be elected.

SECTION 3. That the qualified voters of said district shall be entitled to elect six school directors, in the manner and form prescribed by law, to act as school directors, on the second Tuesday in June, A. D. one thousand eight hundred and fifty-two, and at the usual time and manner every year thereafter, their first election, and all elections thereafter for school directors, shall be held in the school house of said district: Reuben D. Thomas shall act as judge, assisted by two competent citizens to be by him appointed, to hold the first election.

Provisions of certain act, how to apply.

SECTION 4. That the provisions of the nineteenth section of the act entitled "An Act relative to the Schuylkill county prison, and for other purposes," approved April first, one thousand eight hundred and fifty-two, shall apply in all respects to the supervisor, or supervisors now elected in the townships of Fraily and Tremont, in Schuylkill county.

Philadelphia & Sunbury railroad co., authorized to borrow money.

SECTION 5. That the Philadelphia and Sunbury Railroad company be authorized to borrow the additional sum of eight hundred thousand dollars, under the provisions of the third section of the act of April second, one thousand eight hundred and fifty, relative to the Danville and Pottsville Railroad company, and to secure the loans made by them by a mortgage of the railroad, with its appurtenances, and the corporate rights and privileges of the company, together with such other property as may be conveyed to them in trust for the security of the said loan.

JOHN S. RHEY,
Speaker of the House of Representatives.
 JNO. H. WALKER,
Speaker of the Senate.

APPROVED—The fifteenth day of June, one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 420.

A SUPPLEMENT

To the act of sixteenth of June, one thousand eight hundred and thirty-six, incorporating companies to manufacture Iron with mineral coal and coke.

Provisions of act extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the act of the sixteenth of June, one thousand eight hundred and thirty-six, entitled, "An Act to encourage the manufacture of Iron with coke or mineral coal, and for other purposes," be extended to the purpose of making and manufacturing iron from the raw material with charcoal, and all companies organized under the provisions of said act to manufacture iron with charcoal, as aforesaid, may hold timber lands, not exceeding the quantity that will be required to furnish wood for charcoal for the purposes of the business of such companies, and said land may be located in not exceeding four*

contiguous counties, and such companies shall have authority to increase their capital to an amount not exceeding what shall be necessary for the legitimate business of the same.

JOHN S. RHEY,

Speaker of the House of Representatives.

JNO. H. WALKER,

Speaker of the Senate.

APPROVED—The twenty-ninth day of June, A. D. one thousand eight hundred and fifty-two.

WM. BIGLER.

[1851]

No. 421.

AN ACT

To incorporate the Short Mountain Coal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Job R. Tyson, John Edgar Thompson, J. Washington Tyson, and their *Corporators.* associates, successors and assigns, be and they are hereby created and constituted for the period of twenty years a body politic and corporate in law, with all the powers and privileges incident thereto, and by law appertaining to a body politic, under the style or title of "The *Style.* Short Mountain Coal company," with the right to hold and own land, not exceeding two thousand acres, on Bear or Short Mountain, near to and west of Bear Gap, and in Lykens' Williams and Bear Valleys, in the county of Dauphin, in this State, and by their agents and lessees *Privileges.* to mine, transport to market, and sell coal and other minerals, the products of their mines, and make leases thereof, and also to hold or own the necessary quantity of land elsewhere for the deposit and sale of the same, and to construct a lateral railway or railways to the Lykens' Valley railroad, and to occupy and use or own a basin or landing on or near the Wiconisco canal, with a lateral railway leading thereto, and to have a capital stock not exceeding five hundred thousand dollars in value, for the purchase of the said land and making the necessary improvements, and that the second, fourth, fifth, sixth, seventh and *Provisions of* eighth sections of an act passed on the third day of June, one thou- *certain act made* sand eight hundred and thirty-six, entitled "An Act to incorporate the *applicable to* Lykens' Valley Coal company, in Dauphin county, Pennsylvania, and *this act.* to authorize the opening of a road in Honesdale, Wayne county," be and they are hereby re-enacted and made applicable to the corporation hereby created, as fully as if the same were herein expressed and set forth; *except* so far as the provisions herein expressed and set forth alter, supply, or are repugnant to any provisions in either of the said sections of the said recited act: *Provided,* That the public notice re- *Proviso.* quired in the said fourth section of the herein recited act, shall be given by three stockholders in this corporation, at any time when they

may desire to organize the company, at least twenty days before an election of directors shall take place.

Tax.

SECTION 2. That the said company shall be required to pay to the State Treasurer, for the use of the Commonwealth, a tax of one per centum on the capital stock paid in, to be paid in four installments, the first on the first Monday of July, one thousand eight hundred and fifty-one, and the remaining installments at intervals of twelve months each thereafter.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJ'N. MATTHIAS,

Speaker of the Senate.

APPROVED—The twentieth day of February, A. D. one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 422.

AN ACT

To incorporate the Gettysburg Railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Robert M'Curdy, Josiah Benner, Henry Myers, John Pfoutz, Samuel Deerboraw, William M'Sherry, George Basehoar, John Busby, Joseph Kessner, Jacob Diehl, Bernard Hildebrand, Charles Blesh, William B. Wilson, John Mussleman, Senior, Abraham Krist, John Mussleman, Junior, William R. Sadler, George Deardorf, Jacob Y. Busby, Joseph Hill, Jacob Fieser, Tempest Wilson, Samuel Fahnestock, George Shryock, David Horner, Andrew Heintzleman, Samuel Miller, Alexander R. Stevenson, David Gilbert, Moses M'Lean, Daniel M. Smyser, S. S. Schmucker, David M'Conaughy, William W. Hamersly, James D. Paxton, of the county of Adams; Abner H. Bender, Daniel Raffensberger, Daniel Kudler, of the county of York; George W. Hamersly, Ellis Lewis, of the county of Lancaster; John Thomson, of Philadelphia; John M. Stevenson, of the city of Baltimore; or any two of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name, style and title of the "Gettysburg Railroad company," with all the powers, and subject to all the provisions and restrictions prescribed by an act regulating railroad companies, approved the nineteenth day of February, one thousand eight hundred and forty-nine.

Commissioners.

Name & style.
Subject to provisions and restrictions of certain act.

Capital stock.

SECTION 2. That the capital stock of said company shall be three hundred thousand dollars, in shares of fifty dollars each: *Provided*, Said company may from time to time, by vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete said road, and to carry out the true meaning and intent of this act.

SECTION 3. That said company shall have the right to build or construct a railroad, beginning at the borough of Gettysburg, in the county of Adams, and thence by such practicable route, with moderate grades, as will in the opinion of the president and directors of said company most conduce to the public interest, and terminating at the borough of York, in the county of York, and in such manner as to connect with the Baltimore and Susquehanna railroad, or the Wrightsville, York and Gettysburg railroad, said road to be completed within ten years from the passage of this act. Location of road.
Connections.

SECTION 4. That said company is hereby authorized and empowered, under the provisions, conditions and restrictions of this act, to terminate such railroad at the town of Hanover, in the county of York, so as to connect with the Hanover Branch railroad, if the said company should find it inexpedient to terminate it at the borough of York, as provided in section third of this act: *Provided*, That such terminus in York county shall be definitely selected within the period of three years from the passing of this act. Terminus.
Proviso.

SECTION 5. That if a sufficient amount of the capital stock shall not have been subscribed or paid in at any time during the progress of construction of said road, to complete said road, the president and directors may borrow any sum which may be necessary for the purpose, (not exceeding the whole amount of the stock of the company,) and may pledge the fee simple of all their property, rights and privileges, as well as the tolls of the road, for the security and repayment thereof. May borrow money.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJ'N. MATTHIAS,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, A. D. one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 423.

AN ACT

To incorporate the Pickering Mining company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Dendy Sharwood, J. W. Bacon, and Frederick Graff, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of "The Pickering Mining company," the capital stock of which company shall not exceed one hundred thousand dollars, to be divided into such number of shares as said company shall find most expedient, and the said company may hold not exceeding five hundred acres of land, in the county of Chester, at any one time, and the said company shall have the same powers, liberties, franchises and immunities, and be subject to the Corporators.
Name & style.
Capital stock.
Powers and privileges.

same terms and conditions, as the Anthracite Iron company, passed the twenty-fifth day of May, in the year of our Lord one thousand eight hundred and thirty-nine: *Provided*, That the business of this company shall be the mining and smelting of minerals and ores, and they shall not be restricted to the use of anthracite or bituminous coal in carrying on their operations, and may employ such portions of their capital as may be necessary in constructing railroads on their lands, and in transporting to market, and raising and vending the produce of their lands, mines and manufactories: *And provided further*, That said company shall pay to the State Treasurer for the use of the Commonwealth one per centum on its capital stock, in four equal installments, the first to become due and payable on the first of November, Anno Domini one thousand eight hundred and fifty-one, and the remaining three installments at intervals of twelve months each.

Proviso. SECTION 2. That the Legislature hereby reserves the right to alter, amend or repeal this charter at any time: *Provided, however*, That no injustice be done to the corporators.

Reservation.

Proviso.

JOHN CESSNA,
Speaker of the House of Representatives.
 BENJ. MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 424.

AN ACT

To incorporate the Big Mountain Improvement company.

Preamble. WHEREAS, Samuel Nixon, Thomas Orr, George Hitner, Benjamin Pidgeon, Benjamin Mordu, and John Clarkson, trustees, hold certain lands in the county of Northumberland, under certain deeds of trust and articles of association, and for the better management and improvement thereof: Therefore,

Corporators. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Samuel Nixon, Thomas Orr, George Hitner, Benjamin Pidgeon, Benjamin Mordu and John Clarkson, trustees, and the other equitable owners of said land, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name, style and title of the "Big Mountain Improvement company," and as such shall have power to take and hold land and real estate in fee simple, in the county of Northumberland, and the purpose and business of the said company shall be the proving and opening the veins of coal and other minerals on or in their land, constructing and erecting schutes, breakers, screens, and fitting and preparing the said veins of coal and other minerals to be worked and leased, and the making

Name and style.

Object.

and constructing of railroads over and upon their land, and the said company may from time to time make leases of the said veins of coal and other minerals which may be found in the lands belonging to the said company, and the said company by the said name, is hereby declared and made capable in law to sue and be sued, implead and be impleaded, to have a common seal, to sell and dispose of the products of their land, and to hold and convey such real and personal property as may be necessary to promote the objects of this corporation, and to do all things necessary to promote the objects and designs of the same, according to the true intent and meaning thereof, and the said company shall have all the rights, powers and privileges, and be subject to all the restrictions, provisions and liabilities, conferred and imposed upon the Swatara company, by the second, third and fourth sections of the act incorporating the same, approved the sixth day of March, one thousand eight hundred and forty-nine: *Provided*, That the said company shall elect five directors for the management of the affairs thereof, and fifteen days notice of the said election shall be given in one newspaper published in the county of Northumberland and one published in the city of Philadelphia.

SECTION 2. That this act shall continue in force for twenty years from the time of its passage.

SECTION 3. That the Legislature hereby reserves the right to amend or annul the provisions of this act, whenever they may deem it expedient so to do: *Provided, however*, That no injustice shall be done to the corporators.

JOHN CESSNA,
Speaker of the House of Representatives.

BENJ'N. MATTHIAS,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

No. 425.

AN ACT

To authorize the construction of a Railroad from certain lands in Clinton county to the West Branch of the Susquehanna river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That George Little, Allison White, and D. K. Jackman, their associates, heirs and assigns, shall have the right and are hereby authorized to construct a railroad of single or double track, from the coal lands now owned by the said George Little, or others, or from such lands as may be owned by the said George Little, Allison White and D. K. Jack-

Location. man, their associates, heirs and assigns, on and near the waters of the Tangascootac creek, in the county of Clinton, by the best route to the Susquehanna river, at any point along said river west of the Queen's Run dam, said road to be for their use and accommodation in the transportation of coal, iron ore, timber, lumber, and other personal property: *Provided*, That the said road shall not pass within fifty feet of any dwelling on said line or road, without the consent of the owner or owners thereof.

Proviso. SECTION 2. That the said George Little, Allison White, and D. K. Jackman, their associates, heirs and assigns, shall have the right to take such timber, gravel, stone and dirt, along said road, as may be necessary and useful in the construction of the same, and to enter upon and occupy at the terminus of said road, any quantity of land not exceeding three acres, for building, landing, shipping, and other purposes.

May enter upon lands and take materials. SECTION 3. That in case the said parties, and the owner or owners of the lands occupied in the construction of said road, as aforesaid, cannot agree upon the compensation to be made for the same, and the materials taken therefrom, then and in that case, on the application of either party, the court of common pleas of Clinton county shall appoint three disinterested persons to be arbitrators, to assess under oath or affirmation the value of the land and materials occupied and taken, as aforesaid, and to be paid by the said occupants, and their award shall be made out in writing, and be filed and entered in said court, as other awards are now entered under the compulsory arbitration law, subject to the right of appeal by either party, as in other cases.

Damages how settled. SECTION 4. That the time and place of hearing shall be appointed by the said court, and notice thereof given to the party or parties not applying, his or their agent or attorney, at least twenty days prior to said meeting, and it shall be the duty of all persons owning lands occupied by said road, as aforesaid, and having due and legal notice as aforesaid, to submit their claims to the said arbitrators, at the day and place appointed, as aforesaid, and if any owner or owners shall neglect or refuse so to submit his or their demand, on being notified as aforesaid, unless some satisfactory reason can be given for such neglect or refusal, he or they shall be barred from recovering thereafter.

Appeals, notice of hearing of to be given.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJ. MATTHIAS,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred fifty-one.

WM. F. JOHNSTON.

[1850.]

No. 426.

A N A C T

To incorporate the Presbyterian Church in the borough of Newton Hamilton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a corporation is hereby created which shall be called by the name, style and title of the Presbyterian Church of Newton Hamilton, and the same shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of law or elsewhere, and shall be able and capable in law and equity to take, hold and receive, for the use of the said church, lands, tenements, goods and chattels, of whatsoever kind, nature or quality, real, personal, or mixed, which now is, or shall or may at any time hereafter become the property of the said church, or to be held for the use of the same, by gifts, grants, bargains, sales, conveyance, decree, bequest, or otherwise, from any person or persons whomsoever capable of making the same, and to grant, bargain, sell, mortgage, improve, or dispose of, for the use of the said church: *Provided*, That the yearly value or income of the said estate shall not exceed the sum of fifteen hundred dollars, and shall not be appropriated to any other than benevolent or religious uses.

SECTION 2 The business of said church shall be conducted by three trustees, and until others are or shall be elected, as is hereinafter provided, the following named persons shall be trustees, (of whom at all times two shall be a quorum to transact business of the said church,) to wit: Samuel D. Postlethwait, David Jenkins, and John C McKiustry, to continue in office until the first Saturday of August, Anno Domini one thousand eight hundred and fifty, on which day the pew holders of the said church shall elect three trustees by ballot, one for the term of three years, one for the term of two years, and one for the term of one year, and on the same day annually thereafter, to elect one trustee to serve for the term of three years, and if any vacancy or vacancies by death or otherwise shall happen in the office of trustees, the remaining trustee or trustees may appoint a trustee or trustees to supply such vacancy or vacancies until the next annual election, when other trustee or trustees shall be elected to fill the unexpired term of such vacancy or vacancies as may then exist in the said board of trustees, and if the said church shall at the specified time neglect or fail to hold the annual election, as is hereinbefore directed, the said corporation shall not be dissolved, but a majority of the trustees may appoint any subsequent day on which the election may be held: *Provided*, That at least ten days notice shall be given, in such manner as a majority of the trustees may direct, and all pew-holders who are not in arrears or in debt for rent for more than one year, shall be entitled to vote at any election for trustees, but none others.

- Powers of trustees.** SECTION 3. The said trustees and their successors in office shall have full power to enact such by-laws as they shall deem proper for the regulation and transaction of business of the said church, and shall have power also to change the time of holding the annual election, as hereinbefore directed, if the same should be deemed advisable; *Provided*, That the said by-laws and ordinances shall not be inconsistent with the doctrines and church government of the Presbyterian church, and the constitution and laws of this State and of the United States: *And provided further*, That the said trustees and their successors in office shall have power to dispose of and sell and make title to any lots which may be purchased or given to said church by grant or bequest, if the same be not needed for the said church for burial ground or other purposes.
- Proviso.**
- Proviso.**
- Secretary and Treasurer.** SECTION 4. It shall be the duty of the said trustees to appoint a secretary and treasurer, who shall continue in office for one year or at their pleasure; the treasurer shall report to the board of trustees at least twice in each year, at one of their stated meetings, of the amount of moneys received, of the amount paid out by him, and also the amount due by each pew-holder who may then be in arrears for pew-rent.

J. S. McCALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fifth day of February, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 427.

AN ACT

To incorporate the Harford University.

- Franklin academy erected into a university.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Franklin Academy, located at Harford, in the county of Susquehanna, be and hereby is erected into a university, consisting of an academical and medical college, and other departments appropriate to a university, and that the name and constitution of the said university shall be and they are as follows:
- Constitution.**

ARTICLE I.

- Name.** SECTION 1. The said institution shall be called and known by the name of the "Harford University."

ARTICLE II.

SECTION 1. The said university shall be under the management, direction and supervision of a number of trustees, not exceeding twenty-eight, or a quorum, as hereinafter mentioned.

SECTION 2. Five of the trustees shall constitute a quorum.

Quorum.

ARTICLE III.

SECTION 1. The trustees of said university shall consist of the following persons, to wit: the present trustees of Franklin Academy, namely: John Miller, Amherst Carpenter, Saxa Seymour, Lyman

Present trustees.

Richardson, Charles Tingley, E. N. Loomis, C. C. Richardson, Samuel Lyon, Melburne Oakley, Daniel Oakley, Stephen Sweet, Leonard Titus, Ira Carpenter, Freeman Peck, Urbane Burrows, Alonzo Abel, which said trustees and their successors, to be elected as herein subsequently mentioned, shall be forever hereafter and they are hereby established and declared to be a body politic and corporate, with perpetual succession and with all the incidents of a corporation, in deed and law, to all the intents and purposes whatsoever, by the name, style and title of "The Trustees of Harford University," by which name and title

Style.

said trustees and their successors shall be able and capable in law and equity to take to themselves and their successors, for the use of said university, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, money, or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, of any persons whatsoever: *Provided*, That the annual net income accruing from said estate shall be subject to a yearly appropriation or disposition by said trustees, shall not exceed the sum of twenty thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real and personal, shall grant, bargain, sell, convey, assure, demise, and to farm, let, and to place out at interest, or otherwise dispose of, in such manner as to them, or at least a quorum of them, shall seem most beneficial to said institution, and to reserve the rents, profits, issues, income and interest of the same, to the proper use of said university, and by the same name to sue and be sued, implead and be impleaded, in any courts of law or equity, and in all manner of suits whatever, and generally, by and in the same name to do and transact all the business touching or concerning the premises, or which shall be incidentally necessary in, to, as fully and as effectually as any natural person or body politic or corporate has power to manage the concerns belonging to such person or body, to hold, enjoy and exercise, all such power, authorities and jurisdictions, as are customary in other universities, or in colleges within this Commonwealth.

Privileges.

SECTION 2. The said trustees shall have full power and authority to make and use one common seal, and the same to alter at their pleasure, or devise a new one.

Seal.

SECTION 3. A quorum of said trustees shall meet at Harford within ninety days from the date of this charter, to transact any business which the interest of the institution may require; future meetings of said trustees shall be held in Harford, at such time and place as said trustees or a quorum of them shall appoint, of which public notice shall be given at least ten days before the time of such intended meeting, and if at such meeting less than a quorum be present, the number present shall have power to adjourn to some other day, but if a quorum of said trustees meet at the appointed or any time of adjournment, then the majority of the votes of such quorum or board shall be

Meeting of trustees.

Powers.

capable of doing and transacting all the business and concerns of said university not otherwise provided for by this act, and particularly of enacting ordinances and by-laws for the government and instructions of said university, of adding, within the limit prescribed by article two, section one, to the number of trustees whose names are inserted in this charter, of electing trustees in the place and stead of those who shall decline serving, resign, or die, or whose places become vacant by any other means, of electing or appointing the president, professors, tutors, and other teachers of said university, of agreeing with them for their salaries and stipends, of removing them for misconduct, breaches of the ordinances of the institution, or other sufficient causes, of appointing committees of their own body to carry into effect all the resolutions of the board, of appointing a chairman, secretary, treasurer, and other officers necessary for managing the concerns of the corporation, of providing for the maintenance and observance of discipline in said university, and of prescribing and inflicting the penalties due to all violations of the rules, ordinances or regulations thereof, or to other misconduct committed by students or other persons thereat, and generally the majority of the voices of the board or quorum of said trustees, at any stated or extra meeting, shall determine all matters and things, although not herein specified, which shall occasionally arise and be incidentally necessary to be determined by said trustees: *Provided*, That said laws, rules and ordinances, or any of them, be not repugnant to the laws and constitution of the United States of America, or of the laws and constitution of this Commonwealth.

Ordinances.

Proviso.

ARTICLE IV.

Faculty.

Powers.

SECTION 1. The president, professors, tutors, and other teachers, or a majority of them for the time being, shall constitute the faculty of the university, and in their respective departments shall have the power of enforcing the rules and regulations adopted by the trustees for the government and instruction of the students, and the president and professors with the counsel and consent of a quorum of the trustees, or a majority of trustees present, shall have the power to grant, confirm unto the students of the university, or unto others deemed worthy, such degrees, medical or academical, in the liberal arts or sciences, or in certain branches thereof, as have been usually granted in universities, to grant likewise to said graduates diplomas, under the common seal of the corporation, in order to authenticate and perpetuate the memory of such graduation, and to grant also certificates to such students as have duly completed their course of studies prescribed in any subordinate department of the university.

Diplomas.

ARTICLE V.

Misnomer.

SECTION 1. No misnomer of said corporation shall defeat or annul any gift, grant, devise, bequest, to or from the said corporation: *Provided*, The intent of the parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or from said corporation.

Neglect or refusal of trustee to serve.

SECTION 2. Any trustee who shall neglect or refuse to attend the meetings of the board for the space of two years, shall cease to belong to the board.

SECTION 3. The Legislature reserves the right to alter or annul this Reservation. charter, in case of any abuse of the privileges hereby granted.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

[1849.]

No. 428.

AN ACT

Authorizing the Governor to incorporate a company to erect a Foot Bridge over the Conestoga at Safe Harbor, in the county of Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph G. Herr, Charles W. Morris, Edward Hess, John H. Shue, Daniel Will, Amos Hess, Thomas Lewis, and others, or a majority of them, be and they hereby are appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first day of June next, provide a book or books for entering of subscriptions, and shall write therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the company for erecting a foot bridge over the Conestoga at Safe Harbor, in the county of Lancaster, the sum of ten dollars for each share of stock in the said company set opposite our respective names, in such manner and proportions, and at such times, as shall be determined on by the president and managers, in pursuance of an act of the general assembly entitled 'An Act authorizing the Governor to incorporate a company to erect a foot bridge over the Conestoga at Safe Harbor, in the county of Lancaster': Witness our hands and seals, this day of in the year of our Lord one thousand eight hundred and ,” and shall thereupon give notice in two newspapers printed in the city of Lancaster, two weeks at least, of the times and places when and where the said books shall be open to receive subscriptions, at which times and places some one or more of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or until fifty shares shall be subscribed, and if fifty shares shall not be subscribed within that period, then the said commissioners

may adjourn from time to time until the said number of shares shall be subscribed, of which adjournment public notice shall be given in one or more newspapers as before mentioned: *Provided always*, That every person on entering his name in the said books as a subscriber, shall pay two dollars on each share that he shall subscribe for, as a fund out of which shall be defrayed the expenses attending the taking of subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, such first payment on each share to be taken and considered as a part payment on each share subscribed.

SECTION 2. As soon as one hundred shares shall have been subscribed, the said commissioners, or a majority of them, as aforesaid named, may certify the same, together with a list of the subscribers and the shares subscribed by each, in writing to the Governor, who thereupon shall constitute the said subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name and style of "The president and managers of the Conestoga Foot Bridge company of Safe Harbor, in the county of Lancaster," with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the purposes of this act, in such manner and form as they may think proper, and of purchasing, taking and holding, to them and to their successors and assigns, in fee simple and for any less estate, all such lands, tenements and hereditaments, real or personal, as shall be necessary and convenient for them in the prosecution of their work, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. Any ten of the persons named in the letters patent of incorporation, shall as soon as conveniently may be after sealing the same, give notice in two or more newspapers printed in the city of Lancaster, not less than two weeks, of a time and place to be appointed, not less than twenty days from the time of issuing said notice, at which time and place the said subscribers shall proceed to organize the corporation, and shall choose by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person or by proxy duly authorized, one president, five managers, one person for secretary and treasurer, and such other officers as they may think necessary, to conduct the business of the company during one year, and until other officers be chosen, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the laws of this State or of the United States, as may be necessary for the well ordering the affairs of the company: *Provided always*, That no stockholders shall have more than one vote for each share not exceeding twenty shares, and no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may have subscribed.

SECTION 4. A public meeting of the said stockholders shall be held annually, at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as may come before them.

SECTION 5. The president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed

Proviso.

Style.

Privileges.

Organization.

Officers.

Proviso.

Annual meeting.

Certificates of stock.

with the seal of the corporation, and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer in part of the sum due thereon two dollars on each share, which certificates shall be transferable, either by the owner in person or by his attorney duly authorized, in the presence of the president or of the treasurer for the time being, subject, however, to the payments due or that may grow due thereon, and the persons to whom such transfer shall be made, shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company. Transferable.

SECTION 6. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on, for transacting the business of the company, at which meeting three members shall be a quorum, who in the absence of the president shall choose a chairman, and shall keep minutes of their proceedings in a book to be kept for that purpose, and a quorum being met, they shall have full power and authority to appoint such engineers, assistants and workmen, as they shall deem necessary for the erection of said bridge, and they shall fix their salaries and wages; they shall also have power to make contracts, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the money necessary to pay salaries, wages, and bills for work done and labor performed or materials furnished, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all such matters and things as by this act or by the by-laws of the company shall be committed to them. President and managers, duty of. Quorum.

SECTION 7. If any stockholder, after thirty days notice in a printed or written notice, of the time and places appointed for the payment of any proportion, dividend, or installment of said capital stock still due on each share, shall neglect to pay the same for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the installment so called for, pay at the rate of one per cent. per month for every delay of such payment, and if the same and the additional penalties shall remain unpaid so long that the accumulated penalties shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, or the majority of a quorum of them, at any of their meetings for transacting the business of the company, the order for that purpose being first entered on the minute book by the clerk at such meeting. Stock forfeited.

SECTION 8. The president and managers of said company shall keep fair and just accounts of all moneys received by them from the subscribers to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profits on shares which may be forfeited as aforesaid, of all voluntary contributions, and of all moneys expended by them in the prosecution of said work, and shall once in every year submit such accounts in detail to a general meeting of the stockholders, until the said bridge be completed, and all expenses incurred in erecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if on such liquidation, or whenever the whole capital stock of the said company be nearly expended, it shall be found that the said capital stock will not be sufficient to complete said bridge, according to the true intent and meaning of this act, it shall be lawful for the said company, at a stated or special meeting to be convened ac-

cording to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed on such shares, in like manner and under like penalties as are herein provided for the original subscription.

Enter lands.

SECTION 9. It shall and may be lawful for the president and managers, their superintendents, surveyors, engineers, artists and hands, when so directed or authorized by the president and managers, to enter in and upon and take any lands, tenements or hereditaments, that may be necessary for the examination and for the final location of said bridge, and they shall have full liberty to take and carry away all stone, gravel, and other materials necessary for the completion of said bridge, paying a just compensation for the same, or giving adequate security therefor before it is taken.

When property to be vested in the company.

SECTION 10. When the said company shall have erected and completed a bridge at the place aforesaid, the property of the same shall be vested in them, the said company, their successors and assigns, forever, and the said company, their successors or assigns, are hereby empowered to erect gates and demand and receive tolls from each person who shall pass over said bridge, not exceeding two and a half cents each way.

Tolls.

Accounts of tolls.

Dividends.

SECTION 11. The said president and managers shall keep a just account of all moneys received by their several collectors of tolls for crossing said bridge, and shall declare and make a dividend of the income and profits thereof among all the subscribers to the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay of the said bridge, and for the repairing or re-building the same, as time and accident may render necessary, and shall on the first week of January of every year, publish the dividend to be made of the clear profits arising from the tolls among the stockholders, and of the time and place when and where the same shall be paid accordingly, in ten days thereafter, or as soon as the same shall be demanded.

Penalty for injuries to bridge, toll house, &c.

SECTION 12. If any person or persons shall wilfully pull down, break or destroy, with intent to injure, any part or parts of the said bridge, or any toll house, gates, bars, or other property of the said corporation erected for the use of said bridge, or the persons employed in conducting the business thereof, or shall wilfully deform or destroy the letters or figures in any list of the rates of tolls affixed in any place for the information of passengers, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence to the said corporation the sum of thirty dollars, to be sued for and recovered as debts of like amount are by law recoverable, and he, she or they so offending, shall remain liable to actions, at the suit of said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That no such suit shall be brought unless within thirty days after such offence shall have been committed.

Proviso.

Not to obstruct navigation.

SECTION 13. The proposed bridge shall be so constructed as in no wise to impede the free passage of rafts, arks, canal boats, steam boats, or other craft, ascending or descending the Conestoga Navigation, nor obstruct nor encroach upon any of the tow-paths, locks, or other

improvements of the Lancaster and Susquehanna Slack Water Navigation company, on said stream, nor otherwise interfere with any of the chartered rights and privileges of said Navigation company.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEO. DARSIE,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON

No. 429.

AN ACT

To incorporate the Beaver Manufacturing company, in Beaver county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Patterson, Charles T. Whippo, Ezekiel Sankey, Joseph Pollock, and Corporators. Archibald Robertson, B. R. Bradford, David Boise, and their associates, shall be incorporated and become a body politic in law, and under the provisions, regulations and restrictions hereinafter mentioned, under the corporate name and style of "The Beaver Manufacturing com- Style. pany, in Beaver county," the objects of such corporation shall be the Object. manufacture of plain and fancy goods, consisting of silk, cotton and wool, or some of them, with power to sell the same, and the said cor- Privileges. poration shall have perpetual succession, and shall be capable to sue and be sued, plead and be impleaded, in all courts of law and equity, to take, purchase or lease, for a year or term of years, hold, possess and enjoy, convey and dispose of, lands, tenements, hereditaments, goods, chattels, rights, credits, and to have and to use a common seal, and the same to change and renew at pleasure, and have all the other incidents of a corporation : *Provided*, That the real estate to be held Proviso. by such corporation, to be purchased, leased, or sold by them, (except such as may be purchased under an execution, or otherwise taken in payment or on account of an existing debt or debts belonging to said corporation,) shall be such only as may be necessary or convenient for the use, management or business of said corporation in carrying on their manufacture and business aforesaid.

SECTION 2. The said James Patterson, Charles T. Whippo, Ezekiel Commissioners Sankey, Joseph Pollock, Archibald Robinson, B. R. Bradford and Da- and directors. vid Boise, shall be commissioners to receive subscriptions to the capital stock of said company, and shall act as directors until the said corporation shall be organized, as hereinafter provided; the capital stock of Capita stock. said corporation shall consist of one hundred thousand dollars, divided into shares of not more than fifty dollars each, and when one-fourth of

When co. to be incorporated.

the said stock shall have been subscribed for, and shall have been bona fide paid in or contributed, as hereinafter provided, it shall be the duty of the said James Patterson, Charles T. Whippo, Joseph Pollock, Ezekiel Sankey, Archibald Robertson, B. R. Bradford, and David Boise, or of whichever of them may be then acting as president or treasurer, to transmit to the Governor of the Commonwealth a statement on oath or affirmation, to such effect, stating the amounts actually paid in or contributed, when, if the same shall amount to one-fourth at least of the said capital stock, the Governor shall certify the same to the Secretary of the Commonwealth, with an order requiring him to enroll the same, at the expense of the applicants, and upon such enrollment the persons so associated shall become a corporation or body politic, by the style and name aforesaid, under the provisions, conditions and restrictions, and for the purposes by this act declared and set forth.

Notice of election for directors to be given.

SECTION 3. Immediately after the enrollment provided for in the second section of this act, the said James Patterson, and the persons so appointed with him as commissioners aforesaid, shall give notice for two weeks previously in some newspaper published in the county of Beaver, of an election for five directors, to be made by ballot from the stockholders, such election to be held within thirty days after the enrollment aforesaid, and the subsequent elections to be held annually, at such convenient time and place as the directors may determine, of which two weeks notice shall in like manner be given, and at all such elections each stockholder shall be entitled to vote according to the number of shares held by him, in the following proportion, to wit: for each share not exceeding two shares one vote, for every two shares above two shares and not exceeding ten one vote, for every four shares above ten and not exceeding thirty one vote, for every ten shares above thirty and exceeding one hundred one vote, and for every twenty shares above one hundred one vote; no shares shall confer a right of voting which shall have been transferred within three calendar months prior to any election, nor unless bona fide held by the party voting in his own right, or as executor, administrator, guardian or trustee, for the use of some party, estate or corporation, and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed March twenty-eighth, one thousand eight hundred and twenty, entitled "An Act to regulate proxies." *Provided also*, That the stockholders in the corporation created under this act shall be individually liable for the amount of the capital stock by them respectively subscribed in said corporation which shall not have been paid in: *And provided*, That if said corporation shall at any time contract debts to a greater amount than the capital so subscribed, said corporation shall forfeit its charter, and its corporate powers shall cease and determine, but among such debts shall not be considered such advances or loans as may be from time to time made or advanced on account of manufactured goods consigned or delivered for sale to agents or others on behalf of said corporation; the corporation shall be organized by the directors choosing a president from their own body, and by the appointment by them of a treasurer, secretary, and such other subordinate officers or agents as they may deem necessary, and such treasurer, secretary, or other subordinate officers or agents, may be removable at the discretion of the directors; the directors may also fill any vacancies that may occur in their own body, to serve until others are lawfully appointed, the majority of such directors shall have power to establish such by-laws, rules and regulations, as may be deemed proper and expedient, not inconsistent with the laws of the United States or of this Commonwealth, and the same

Votes.

Proxies.

Proviso.

Proviso.

Officers.

Vacancies how supplied.

By-laws.

from time to time to change, alter or repeal, and if an election for directors not take place on the day designated by the by-laws of the corporation, the corporation for that cause shall not be dissolved, but an election shall be held as soon thereafter as may be; until such election the directors and president in place shall continue to act.

SECTION 4. The said company shall establish and put into operation May establish in the county of Beaver, a manufactory for the purposes named in the manufactory. first section of this act, and shall manufacture such goods as aforesaid, for themselves or any other person or persons, and shall have power to sell, vend, or otherwise dispose of their manufactured goods, at such times and places as they may see proper, in order to the full and proper enjoyment of the privileges and duties hereby conferred, and such part of their funds or capital stock as may be requisite, shall or may be vested in the purchase or renting of real estate and improvements, and in the erection, construction, and providing or leasing the proper buildings, warehouses, machinery, and utensils necessary or convenient for the management and prosecution of their business and objects as aforesaid.

SECTION 5. The corporation established by virtue of this act shall annually, on or before the first day of February in each year, make a Annual state- return, attested by the oath of the president, treasurer or secretary of ment of affairs. said corporation, of the transactions of the corporation for the past year, to the Secretary of the Commonwealth, in which return the amount of capital stock subscribed shall be stated, and the amount of the same paid in, and the number of persons employed, and the quantity or amount of goods manufactured by it during the current year.

SECTION 6. The stock of said corporation shall be assignable and Stock transfer- transferable by the holders thereof to such persons as they may think able. proper, according to such rules as the by-laws shall prescribe, but no stockholder shall be permitted to transfer his stock while any installment due thereon shall remain unpaid, except by a special order of the board of directors to that effect.

SECTION 7. Dividends of so much of the profits of said corporation Dividends. as shall appear advisable to the directors and managers, shall be declared once in every year, and paid to the stockholders or their legal representatives on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the net profits actually acquired by said company, so that the capital stock shall never thereby be impaired, and if the said directors or managers shall make any dividend which shall impair the capital stock aforesaid, the directors or managers consenting thereunto shall be liable to said company in their individual capacities for the amount of the stock so divided, and each director present when such dividend is made, shall be adjudged consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend: *Provided*, That the said company shall make an annual return, on the oath of the president or secretary of said company, of the amount of dividends: *And provided further*, That when the dividends of said company shall exceed ten per centum per annum, twenty-five per centum of all such excess shall be deemed due and payable to the State Treasurer, for the use of the Commonwealth. *Providiso.* *Providiso.*

SECTION 8. *Provided*, That the corporation created by virtue of this act, shall not continue longer than twenty years from the date of its enrollment: *And provided also*, That nothing herein shall be construed to confer any banking privileges; and moreover, the Legislature Duration of charter. *Providiso.*

reserve the right to modify, alter or annul the privileges hereby granted, if it should at any time be found that the exercise of them are injurious to the interests of the Commonwealth.

Annual statements of incorporated co's. to be made.

SECTION 9. That if any company heretofore incorporated by the Legislature of this Commonwealth, or that may hereafter be incorporated for manufacturing purposes, shall fail at any time for a period of twelve months, to return to the proper officers a fair and correct statement of the amount of its capital stock, and how invested, subject to taxation for State purposes, the corporate privileges granted to any such company shall thereupon cease and become null and void.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEO. DARSIE,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

[1847.]

No. 430.

SUPPLEMENTARY ACT

To the act entitled "An Act to incorporate the Lancaster, Lebanon, and Pine Grove Railroad company."

SECTION 13. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the number of shares of stock required to be subscribed by the second section of the act entitled "An Act to incorporate the Lancaster, Lebanon, and Pine Grove Railroad company," to authorize the Governor to issue his letters patent to the subscribers of said stock, be and the same is hereby reduced to two thousand.

JAMES COOPER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-seven.

FR'S. R. SHUNK.

No. 431.

AN ACT

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Hugh Bellas, Alexander Jordan, Edward G. Markley, John H. Purdy, Benjamin Hendricks, William L. Dewart, John Young, Gideon Merkle, Jacob Painter, H. B. Masser, William Forsythe, Joseph R. Priestly, William M'Coy, James Taggart, John Porter, Henry C. Eyer, Isaac Hottenstein, and John Snyder, or any five of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall, on or before the first Monday of May, Anno Domini one thousand eight hundred and forty-six, procure a sufficient book or number of books, which shall be opened at the house of Charles C. Wharton, in the borough of Sunbury, Northumberland county, and at the house of James Lee, in the borough of Northumberland, Northumberland county, and in each of them enter as follows, to wit: "We whose names are hereunto subscribed, do promise to pay to the Shamokin Steam Ferry and Tow-Boat company, the sum of twenty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and directors of said company, in pursuance of an act of the General Assembly of this Commonwealth, entitled "An Act authorizing the Governor to incorporate the Shamokin Steam Ferry and Tow-Boat company: Witness our hands and seals, this _____ day of _____, in the year of our Lord one thousand eight hundred and forty six," and shall thereupon give public notice in one or more newspapers printed in the county of Northumberland, at least ten days previously, of the time and place when and where said books shall be kept open, at which time and place at least one of the commissioners shall attend and permit all persons of lawful age who shall offer to subscribe in said books, in their own name, or name of any other person who shall authorize the same, and the said book or books shall be kept open for the purpose aforesaid, at least six hours in every juridical day for the space of three days, or until there shall have been subscribed two hundred and fifty shares, and if at the expiration of three days, the book or books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioner or commissioners may adjourn from time to time, and transfer the books elsewhere, until the whole number of two hundred and fifty shares shall be subscribed, of which adjournment and transfers the commissioners aforesaid shall give public notice, as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided always,* That

Proviso, relative to subscriptions.	every person offering to subscribe in the said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of said subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the incorporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned:
Proviso, relative to capital stock.	<i>Provided also,</i> The said company, if they shall deem it necessary, shall have power to increase the capital stock to any sum not exceeding ten thousand dollars, subscriptions for which shall be received in the manner hereinbefore provided.
When letters patent shall be issued.	SECTION 2. That when one hundred shares or more of said stock shall be subscribed, and five dollars paid on each share, the commissioners, or a majority of them, shall certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, whereupon the Governor shall, by letters patent under his hand and the seal of the Commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of the Shamokin Steam Ferry and Tow-Boat company, and by the same name the shareholders shall have perpetual succession, and all the privileges and franchises belonging and incident to a corporation, and shall be capable of purchasing, taking and holding, to them and their successors and assigns, in fee simple or for any less estate, such lands and real estate as may be necessary for the purpose of establishing one ferry from the borough of Northumberland to Sunbury, and thence across the river Susquehanna, as hereinafter mentioned, to be located in one tract on the north west side of the North Branch, and north-east side of the West Branch, at Northumberland, and on each side of said river, at and opposite Sunbury, neither of which tracts shall extend more than one hundred feet along the banks of said river and branch, and also such personal estate as shall be necessary for the purpose aforesaid, and of suing and being sued, impleading and being impleaded, and of making and having a common seal, and the same of breaking, altering, and renewing at pleasure, and of making, ordaining and establishing rates of tolls and charges, and ordaining and putting in execution such by-laws, regulations and ordinances for the better and more convenient government of the said corporation, as do not contravene the constitution and laws of the United States and of this State, and generally of doing all and every other matter and thing for the carrying into effect the just purposes of this charter, which a corporation or body politic may lawfully do.
Style.	
Privileges.	
Location of road.	
Powers.	
Organization.	SECTION 3. The said company shall be organized as soon as conveniently may be after the said letters patent may be obtained, at a time and place to be appointed by a majority of the said commissioners, of which ten days previous public notice shall be given by them in one or more of the newspapers of Northumberland county, when the subscribers shall choose by a majority of the votes given, by ballot, in person or by proxies duly authorized, nine directors, to manage the affairs of the company until other officers shall be duly elected, as hereinafter provided; <i>Provided,</i> That each person shall be entitled to one vote for each share of stock by him or her held not exceeding ten shares, and to one vote for every two shares of stock held by them above ten shares, but no stockholder shall be entitled to more than twenty votes, whatever number of shares he or she may hold.
Directors.	
Votes.	

SECTION 4. That the stockholders shall meet on the first Monday of May in every year, at such place as shall be fixed upon by the by-laws, of which ten days previous public notice, in the manner aforesaid, shall be given by the secretary, and the stockholders having so met, shall choose by a majority of the votes present nine directors to manage the affairs of the said company, who shall continue in office for one year and until like officers shall be elected, and the stockholders shall have full power and authority by a majority of the votes present, to make, alter and repeal the by-laws, to fix the amount of compensation to be allowed to the president and other officers, and to require of all officers any information, together with the inspection of all books, documents and papers relating to the affairs of the company, and generally to do and perform any other corporate act: *Provided*, That all elections, and every question coming before a general meeting, shall be decided by a majority of the votes of the stockholders present, under the several provisions and restrictions of the third section of this act.

SECTION 5. The said directors, at the time of their election and during their continuance in office, shall be stockholders of the said company and citizens of Pennsylvania, resident therein; they shall meet at such time and places, and manage the business of the company by such a quorum, not less than a majority of the whole number, as may be provided by the by-laws; at the first meeting of said directors after their election, they shall choose one of their number to act as president; they shall further choose a secretary and treasurer; in case of the resignation, death, or other disability of either of the said officers, or of any director, the board of directors for the time being shall supply the vacancy so occasioned for the remainder of the term; they shall have full power and authority to appoint a secretary and treasurer, and all such other officers, clerks, and other assistants, as they may consider necessary to the carrying into effect of the purposes and business of the company, and to fix their salaries and wages; they shall prepare and lay before the stockholders at each stated general meeting a full and true statement of the affairs of the company, and generally they shall and may exercise and perform all such powers and duties as by the stockholders at any general meeting shall or may be prescribed and delegated to them, for the proper management and government of the business of the company.

SECTION 6. That the said directors shall have full power and authority to ascertain the times, place, manner, installments and proportions, in which the said stockholders shall pay the moneys due on their respective shares, of which times, place, manner, installments and proportions, they shall give at least thirty days previous public notice, and any stockholder, or his or her legal representatives, who shall refuse or neglect so to pay the proportions and installments by him, her or them due, shall thereupon forfeit to the use of the company all moneys whatsoever by him, her or them previously paid on account of the shares or share on which such default is made, together with all right, title, interest, claim and demand whatsoever, of, into or out of the stock and funds of the said company, and the profits arising or to arise therefrom by reason or on account of the shares or share forfeited: *Provided*, That nothing herein contained shall be construed to render it obligatory or binding on said company to accept the said forfeiture of shares or share, but in case of default of payment by any stockholder or his legal representatives, as aforesaid, of any such installment and proportions, the directors may at their election cause suit to be brought therefor, with legal interest thereupon, before any alderman

or justice of the peace, or court, having competent jurisdiction; the shares in the capital stock of said company upon which there are no defaults, shall be assignable and transferable, and may be assigned and transferred, according to such rules and regulations as the directors from time to time may establish.

Stock transferable.

May construct boats, &c. for ferry.

SECTION 7. That the said Shamokin Steam Ferry and Tow-Boat company shall have full power and authority to procure, purchase, construct and equip one or more Steam Ferry and Tow boats, and other crafts, of such burthen, power, construction and movement, and with such appurtenances, apparel and furniture, as they may deem adequate and proper for the purposes and objects by this charter intended, and the same to employ in and about the ferrying, carrying and transporting of persons, vehicles, wagons, horses, cattle and swine, goods, wares and merchandise, and other things, from the borough of Sunbury to the borough of Northumberland, and to, from and between the said boroughs, and from the said borough of Sunbury to the western bank of the river Susquehanna, or to the mound or embankment constructed by the State in the same, from and between the same, and shall further have power and authority to use the said boats in towing, forcing and propelling boats, arks, rafts, floats and timber, to, from and between either of the said points and places, and generally to do, transact and perform all matters and things appurtenant or relating to the said several objects hereinbefore mentioned or connected therewith: *Provided*, That whenever the company for erecting a bridge over the North Branch of the river Susquehanna, at the town of Northumberland, shall have reconstructed and completed their bridge or bridges across the said stream, the power, authority and privilege hereby granted to the said Shamokin Steam Ferry and Tow Boat company to ferry, transport and carry passengers, vehicles, wagons, horses, cattle and swine, goods, wares and merchandise, and other things, from the borough of Sunbury to the borough of Northumberland, and to, from and between the said boroughs, shall cease and determine.

Proviso.

When powers shall cease and determine.

Reservation.

SECTION 8. This act shall continue in force no longer than ten years, and the Legislature reserve the right to repeal and alter the same within said period, if they shall think proper, nor shall this act be construed to prevent any other person or persons from establishing and conducting a ferry across the North Branch of the Susquehanna at Northumberland, and across the Susquehanna river at Sunbury, in such manner, however, as not to interfere with the rights of said company.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and forty-six.

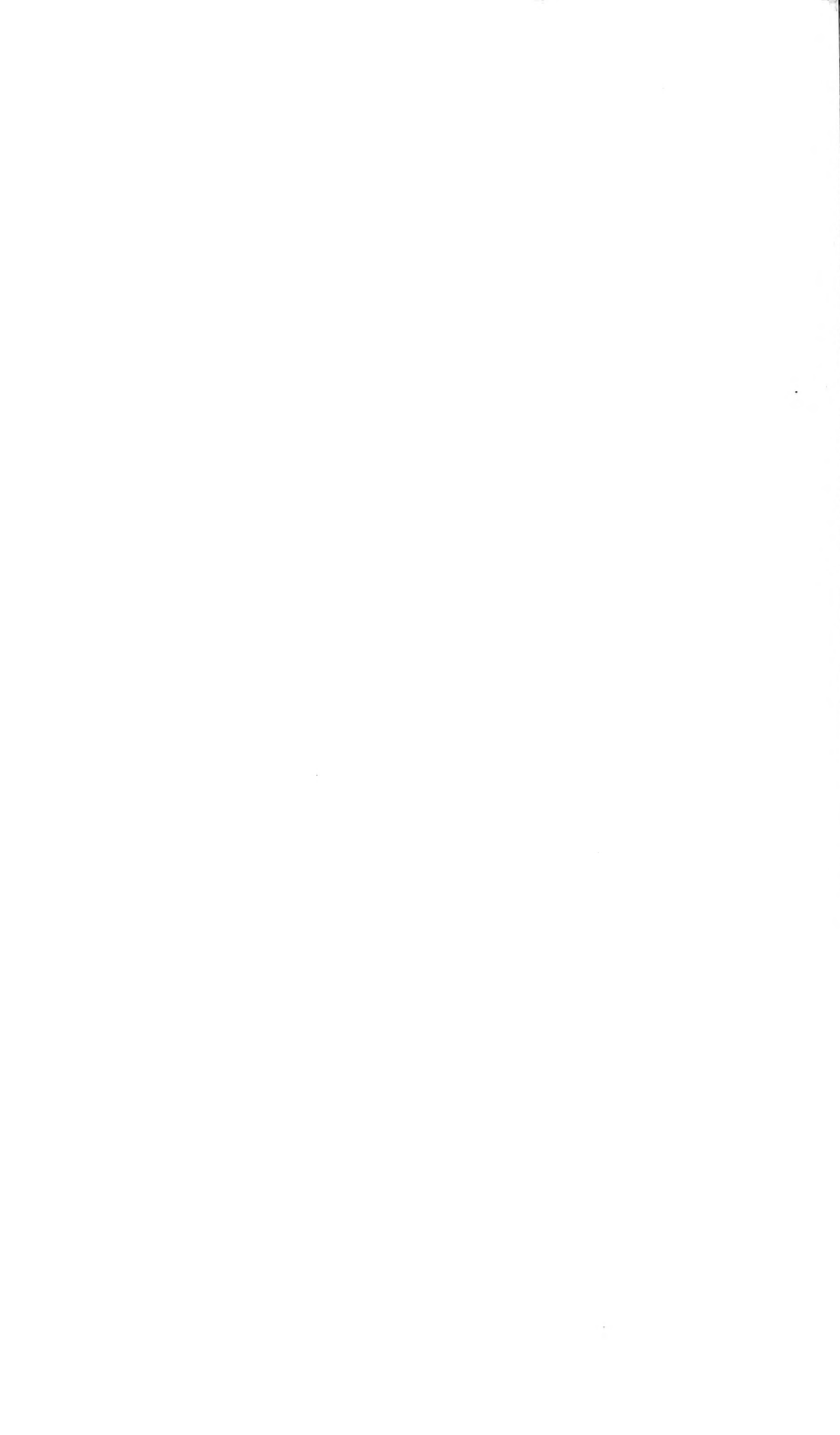
FR'S. R. SHUNK.

CERTIFICATE.

SECRETARY'S OFFICE, }
Harrisburg, July 9, 1853. }

I CERTIFY, that in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with, and corrected by the original rolls on file in this office, the proof sheets of the printed copies of this edition of the Laws and Resolutions of the General Assembly, passed during the Session ending the 19th day of April, 1853; also an APPENDIX, containing laws passed at the Sessions of 1852, 1851, 1850, 1849, 1847, 1846, upon which the tax has been paid subsequently to the publication of the Pamphlet Laws of 1852.

C. A. BLACK,
Secretary of the Commonwealth.



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